

# **IRAQ 2021 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Iraq is a constitutional parliamentary republic. The October 10 parliamentary elections were generally considered free and fair. The elections were observed by the European Union and domestic civil society organizations and monitored by the United Nations Assistance Mission for Iraq. Domestic and international elections observers cited procedural and transparency improvements to the electoral process over the 2018 elections. They noted, however, that violence and intimidation by paramilitary militia groups in the months ahead of the elections likely affected voters' choice and voter turnout. The elections came because of widespread protests that began in October 2019 and led to the resignation of former prime minister Adil Abd al-Mahdi in December 2019. Parliament confirmed Prime Minister Mustafa al-Kadhimi in May 2020.

Numerous domestic security forces operate throughout the country. The Iraqi Security Forces are organized administratively within the Ministries of Interior and Defense, as well as within the quasi-ministerial Counterterrorism Service. The Ministry of Interior is responsible for domestic law enforcement and maintenance of order; it oversees the Federal Police, Provincial Police, Facilities Protection Service, Civil Defense, and Department of Border Enforcement. Energy police, under the Ministry of Oil, are responsible for protecting energy infrastructure. Conventional military forces under the Ministry of Defense also carry out counterterrorism and internal security operations in conjunction with the Ministry of Interior. The Counterterrorism Service reports directly to the prime minister and oversees the Counterterrorism Command, an organization that includes three brigades of special operations forces. The National Security Service intelligence agency reports directly to the prime minister.

The country's regular armed forces and domestic law enforcement bodies struggled to maintain order within the country, operating in parallel with the Popular Mobilization Committee, a state-sponsored umbrella military organization composed of approximately 60 militia groups, also known as Popular Mobilization Forces. Although the Popular Mobilization Forces are part of the Iraqi Security

forces and receive funding from the government's defense budget, their operations are often outside government control and in opposition to government policies. Most popular mobilization unit members are Shia Arabs, reflecting the demographics of the country, while Sunni Arab, Yezidi, Christian, and other minority groups tended to organize their own units, generally operating within or near their home regions. All popular mobilization units officially report to the chairman of the Popular Mobilization Committee and are under the ultimate authority of the prime minister, but several units were in practice also responsive to Iran and its Islamic Revolutionary Guard Corps.

The two main Kurdish political parties, the Kurdistan Democratic Party and the Patriotic Union of Kurdistan, each maintain an independent security apparatus. Under the federal constitution, the Kurdistan Regional Government has the right to maintain internal security forces, but the Patriotic Union of Kurdistan and the Kurdistan Democratic Party separately control additional Peshmerga military units, as well as separate police forces under nominal Kurdistan Regional Government Ministry of Interior control. The constitution also allows for a centralized, separate Asayish internal security service; however, the Kurdistan Democratic Party and Patriotic Union of Kurdistan also each maintain Asayish forces. The Kurdistan Democratic Party and the Patriotic Union of Kurdistan also maintain separate intelligence services, nominally organized under the Kurdistan Region Security Council.

Federal civilian authorities did not maintain effective control over some elements of the security forces, particularly certain Iran-aligned Popular Mobilization Force units and the Popular Mobilization Committee. Poorly defined administrative boundaries and disputed territories between the Iraqi Kurdistan Region and the central government led to confusion over the jurisdiction of security forces and the courts. Members of the security forces committed numerous documented abuses.

The country experienced large-scale protests in Baghdad and several Shia-majority provinces beginning in 2019 and lasting through mid-2020, with reports of more than 500 civilians killed and 20,000 or more injured. During the year sporadic protests continued amid a campaign of targeted violence against activists. The government took minimal steps to bring to justice those responsible for the violence.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings by the government; forced disappearances by the government; torture and cruel, inhuman, and degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary arrest and detention; arbitrary or unlawful interference with privacy; punishment of family members for offenses allegedly committed by an individual; unlawful recruitment or use of child soldiers by the Popular Mobilization Forces; serious restrictions on free expression and media, including violence or threats of violence against journalists, unjustified arrests and prosecutions against journalists, censorship, and existence of criminal libel laws; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association; restrictions on freedom of movement of women; forced returns of internally displaced persons to locations where they faced threats to their lives and freedom; threats of violence against internally displaced persons and returnee populations perceived to have been affiliated with ISIS; serious government corruption; lack of investigation and accountability for gender-based violence; crimes involving violence targeting members of ethnic minority groups; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; significant restrictions on worker freedom of association; and the existence of the worst forms of child labor.

The government, including the Office of the Prime Minister, took some steps to identify, investigate, and prosecute, but rarely punished, those officials responsible for perpetrating or authorizing human rights abuses. Many senior government officials and security force personnel, including the Iraqi Security Forces, Federal Police, Popular Mobilization Forces, and certain units of Kurdistan Regional Government Asayish internal security services, operated with impunity. The government took some steps to identify, investigate, prosecute, and punish officials who were involved in corruption.

Despite a reduction in numbers, ISIS continued to commit serious abuses and atrocities, including killings through suicide bombings and improvised explosive devices. The government continued investigations and prosecutions of allegations of ISIS abuses and atrocities and, in some instances, noted the conviction of suspected ISIS members under the counterterrorism law.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were numerous reports that the government or its agents committed arbitrary or unlawful killings (see also section 1.c., Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, case of Hisham Mohammed).

Nongovernmental militias and ISIS affiliates also engaged in killings (see section 1.g.).

The country experienced large-scale protests in Baghdad and several Shia-majority provinces that began in 2019 and lasted through mid-2020. Sporadic protests continued during the year amid a continued campaign of targeted violence against activists. According to the Iraqi High Commission for Human Rights (IHCHR), 591 protesters were killed from October 2019 until the end of May. For the same period, the IHCHR stated 54 protesters were still missing and that there were 86 attempted killings of activists, 35 of which were carried out successfully.

The government took minimal steps to bring to justice those responsible for the deaths. The prime minister ordered an investigation committee to determine if prosecution should be pursued. The committee is composed of the Ministry of Interior, Ministry of Defense, the National Security Service (NSS), and the operations command where the incident took place. The judiciary also investigated incidents at the behest of families of the victims. Although there have been several arrests related to targeted killings, few cases appeared to have moved beyond the investigative phase.

Human rights organizations reported that Iran-aligned Popular Mobilization Forces (PMF) militia groups engaged in killing, kidnapping, and extortion throughout the country, particularly in ethnically and religiously mixed provinces. Unlawful killings by unidentified gunmen and politically motivated violence occurred frequently throughout the country. On May 9, unidentified gunmen purportedly from PMF militias shot and killed prominent activist and protest movement leader Ehab al-Wazni near his home in Karbala. Wazni's death sparked protests in Karbala that saw demonstrators block roads and bridges with burning tires; dozens

of protesters also burned tires and trailers outside the Iranian consulate the same night. The government announced in May the arrest of two suspects based on a third suspect's confession; the case remained ongoing.

During the year the security situation remained unstable in many areas due to intermittent attacks by ISIS and its affiliated cells; sporadic fighting between the Iraqi Security Forces (ISF) and ISIS strongholds in remote areas; the presence of militias not fully under the control of the government, including certain PMF units; and sectarian, ethnic, and financially motivated violence.

## **b. Disappearance**

There were frequent reports of forced disappearances by or on behalf of government forces, including Federal Police and PMF units. In May UN Office of the High Commissioner for Human Rights (OHCHR) reported that at least 20 activists abducted by "unidentified armed elements" remained missing.

## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

Although the constitution prohibits torture and forced confessions, there is no law setting out the legal conditions and procedural safeguards to prevent torture. Consequently, noncompliance enabled the practice of torture in jails, detention facilities, and prisons to be hidden from effective legal oversight. Moreover, the types of conduct that constitute torture are not legally defined under the law, and the law gives judges full discretion to determine whether a defendant's confession is admissible, often without regard for the way it was obtained. Courts routinely accepted forced confessions as evidence, which in some ISIS-related counterterrorism cases was the only evidence considered. Numerous reports from local and international nongovernmental organizations (NGOs) indicated that government officials employed torture and other cruel, inhuman, or degrading treatment or punishment. Federal Police, Popular Mobilization Forces, and certain units of Kurdistan Regional Government (KRG) Asayish internal security services, operated with impunity.

For example on July 28, social media outlets circulated widely news of the death of

a young man, Hisham Mohammed, who was severely beaten by police officers during his arrest by the anticrime directorate in Basrah Province. His lawyer asserted that Mohammed had been arrested because of a similarity in his name to that of a fugitive accused of murder. Mohammed died from his injuries after police officers reportedly employed torture to secure a confession. The Ministry of Interior formed an investigative committee, but its results were not published.

As in previous years, there were credible reports that government forces, including Federal Police, the NSS, and the PMF, abused and tortured individuals – particularly Sunni Arabs – during arrest and pretrial detention and after conviction. Former prisoners, detainees, and international human rights organizations documented cases of torture and other cruel, inhuman, or degrading treatment or punishment in Ministry of Interior-run facilities and, to a lesser extent, in Ministry of Defense-run detention facilities.

Human rights organizations reported that both Ministry of Interior and Ministry of Defense personnel tortured detainees. According to government forensics officials, some victims showed signs of excessive beating, in addition to bone fractures. Local NGOs reported that deaths at pretrial detention facilities, deportation prisons, and prisons were due to the continuation of systematic torture and the poor conditions in detention centers.

### **Prison and Detention Center Conditions**

Prison and detention center conditions were harsh and occasionally life threatening due to food shortages, gross overcrowding, physical abuse, inadequate sanitary conditions and medical care, and the threat of COVID-19 and other communicable illnesses. In June the Ministry of Justice announced it had carried out a vaccination campaign of its entire prison population against COVID-19. The ministry spokesperson confirmed that prison staff were vaccinated and that there had been no positive cases recorded since May.

**Physical Conditions:** Overcrowding in government-run prisons was a systemic problem exacerbated by the number of alleged ISIS members detained by the government. The Iraqi Correctional Service, a part of the Ministry of Justice, administered 29 facilities in the country. The Justice, Defense, and Interior

Ministries operated 24 detention facilities. In August a senior Ministry of Justice official warned that the overcrowding at Ministry of Justice-administered prisons could lead to the spread of communicable diseases.

In September a senior Ministry of Justice official reported that the five correctional facilities for juveniles held more than 150 percent of their maximum capacity, with more than half of juveniles held for terrorism-related convictions. Local NGOs published photos of overcrowded prison cells and called on the government to improve prison conditions, especially juvenile prisons. According to Ministry of Justice data, in prisons that held alleged ISIS-affiliated women, authorities also detained children up to 12 years old with their mothers. The Iraqi Observatory for Human Rights published photos of juveniles being held with adults at detention centers in Ninewa Province.

In October the Ministry of Justice released 68 juveniles under a special amnesty, and in August a senior ministry official stated that 1,300 inmates, including 86 juveniles, received special pardons to reduce overcrowding.

Across the Iraqi Kurdistan Region (IKR), there were six correctional centers: three for male prisoners and three for women and juvenile pretrial detainees and prisoners. The centers designated for women and juveniles held both pretrial detainees and prisoners, while male pretrial detainees were held at police station detention sections throughout the IKR. The total number of detainees incarcerated exceeded the designated capacity of each facility. The Independent Human Rights Commission Kurdistan Region (IHRCKR) reported in September that the Erbil Correctional Center, for example, which was built to house 900 detainees, held 1,875 inmates. In some detention centers and police-run jails, KRG authorities occasionally held juveniles in the same cells as adults.

The IHRCKR reported that IKR correctional centers suffered from long-term problems of overcrowding, inadequate water, sanitation, and hygiene facilities, use of violence during preliminary detention, and outdated infrastructure at women's and juvenile centers. The spread of the COVID-19 pandemic also adversely affected prisoners' health, and several died in custody. Limited medical staff was unable to provide adequate medical services to all prisoners.

**Administration:** The government reported it took steps to address allegations of mistreatment in government-administered prison and detention facilities, but the extent of these steps was not known. Both local and international human rights organizations asserted that judges frequently failed to investigate credible allegations that security forces tortured terrorism suspects and often convicted defendants based solely on coerced confessions. In addition, despite their concerns being raised, authorities ignored physical signs of torture, and the complaints procedures appeared to be neither fair nor effective. Many detainees chose not to report such treatment due to a lack of trust or fear of reprisals.

Prison and detention center authorities sometimes delayed the release of exonerated detainees or inmates due to lack of prisoner registration or other bureaucratic problems, or they extorted bribes from prisoners prior to their release at the end of their sentences. International and local human rights groups reported that authorities in numerous instances denied family visits to detainees and convicts. Guards allegedly demanded bribes or beat detainees when detainees asked to call their relatives or legal counsel.

The KRG inconsistently applied procedures to address allegations of abuse by KRG Ministry of Interior officers or the Asayish security forces. The United Nations Assistance Mission for Iraq (UNAMI) reported in August and December some IKR prisons failed to respect basic standards and procedural safeguards and that the mechanisms in place to receive complaints of torture did not appear to be effective or to provide remedy.

**Independent Monitoring:** Corrections Service prisons allowed regular visits by independent nongovernmental observers. Following virtual monitoring visits due to COVID-19 in 2020, observers during the year again were permitted physical visits to prisons. While such visits were irregular due to COVID-19 concerns early in the year, by December the Ministry of Justice reported 40 visits to adult correctional facilities and 20 visits to juvenile correctional facilities had taken place. Visits also included the provision of technical, health, and training support.

#### **d. Arbitrary Arrest or Detention**

The constitution and laws prohibit arbitrary arrest and detention and provide for



the right of any person to challenge the lawfulness of his or her arrest or detention in court. Despite such protections there were numerous reports of arbitrary arrests and detentions, predominantly of Sunni Arabs, including internally displaced persons (IDPs).

### **Arrest Procedures and Treatment of Detainees**

The law prohibits the arrest or remand of individuals, except by order of a competent judge or court or as established by the code of criminal procedures. The law requires authorities to register the detainee's name, place of detention, reason for detention, and legal basis for arrest within 24 hours of the detention – a period that may be extended to a maximum of 72 hours in most cases. For offenses punishable by death, authorities may legally detain the defendant as long as necessary to complete the judicial process. The Ministry of Justice is responsible for updating and managing these registers. The law requires the Ministries of Defense and Interior and the NSS to establish guidelines for commanders in battlefield situations to register detainees' details in this central register. The law also prohibits any entity, other than legally competent authorities, to detain any person.

Human rights organizations reported that Iraqi Security Forces, among them the Federal Police, NSS, PMF, as well as the Peshmerga and Asayish security forces in the Kurdistan Region, frequently ignored the law. Local media and human rights groups reported that authorities arrested suspects in security sweeps without warrants, particularly under the antiterrorism law, and frequently held such detainees for prolonged periods without charge or registration. The government periodically released detainees, usually after concluding that it lacked sufficient evidence for the courts to convict them, but many others remained in detention pending review of other outstanding charges.

The law allows release on bond for criminal (but not security) detainees. Authorities rarely released detainees on bail. The law provides for judges to appoint free counsel for the indigent. Attorneys appointed to represent detainees frequently complained that insufficient access to their clients hampered adequate attorney/client consultation. In many cases detainees were not able to meet their attorneys until their scheduled trial date.

**Arbitrary Arrest:** There were numerous reports of arbitrary arrest or unlawful detention by government forces, including by the ISF, NSS, PMF, Peshmerga, and Asayish security forces. There were no reliable statistics available regarding the total number of such acts or the length of detentions. Authorities often failed to notify family members of the arrest or location of detention, resulting in incommunicado detention if not enforced disappearance. Humanitarian organizations also reported that, in many instances, federal authorities did not inform detainees of the reasons for their detention or the charges against them. Many reports of arbitrary or unlawful detention involved suspected members or supporters of ISIS and their associates and family members.

There were reports of Iran-aligned PMF groups also arbitrarily or unlawfully detaining Kurds, Turkmen, Christians, and other members of minority groups in Ninewa Province. There were numerous reports of 30th and 50th PMF Brigades' involvement in extortion, illegal arrests, kidnappings, and detention of individuals without warrants. Credible law-enforcement information indicated that the 30th PMF Brigade continued to operate secret prisons in several locations in Ninewa Province, which held unknown numbers of detainees arrested on sectarian-based and reportedly false pretenses. Leaders of the 30th PMF Brigade allegedly forced families of the detainees to pay large sums of money in exchange for the release of their relatives.

Human rights organizations reported frequently that KRG authorities arbitrarily detained journalists, activists, and protesters. These detentions included individuals who came to be known as the Badinan detainees, arrested in Duhok Province in 2020 for exercising their right to freedom of expression. Many were denied access to their lawyers and were not informed of the charges against them, nor were their families informed of their whereabouts in a timely manner. Many of those arrested were held in detention for lengthy periods without being brought before a judge, in violation of the law, only to be released without charges (see section 2.a.).

**Pretrial Detention:** The Ministries of Justice, Defense, Interior, and Labor and Social Affairs are authorized by law to hold pretrial detainees. The NSS intelligence agency and the Counterterrorism Service, which both report directly to the Prime Minister's Office, may also hold pretrial detainees in limited

circumstances, for a brief period. Lengthy pretrial detentions without due process or judicial review were a systemic problem, particularly for those accused of having ties to ISIS.

The Ministry of Justice ran five pretrial detention facilities, the Ministry of Defense ran two, and the Ministry of Interior ran 17 such facilities. In its annual report for 2020, the IHCHR reported 28,853 detainees held in detention facilities under the authority of the Ministry of Interior, 197 under the Ministry of Defense, and 116 under the Counterterrorism Service, the latter of which reported directly to the prime minister and were in the Counterterrorism Command. There were no independently verified statistics, however, concerning the approximate percentage of the prison and detainee population in pretrial detention, or the average length of time held.

The lack of judicial review resulted from several factors, including the large number of detainees, undocumented detentions, slow processing of criminal investigations, an insufficient number of judges and trained judicial personnel, authorities' inability or reluctance to use bail or other conditions of release, lack of information sharing, bribery, and corruption.

Lengthy pretrial detentions were particularly common in areas liberated from ISIS, where the large number of ISIS-related detainees and use of makeshift facilities led to significant overcrowding and inadequate services. There were reports of detention beyond judicial release dates and unlawful releases. In May a local human rights organization reported that PMF-affiliated militias ran two makeshift detention facilities in Diyala and Salah al-Din Provinces, reportedly holding more than 7,000 ISIS-related detainees without due process or judicial review.

Authorities reportedly held numerous detainees without trial for months or years after arrest, particularly those detained under the antiterrorism law. Authorities sometimes held detainees incommunicado, without access to defense counsel, presentation before a judge, or arraignment on formal charges within the legally mandated period.

KRG authorities also reportedly held detainees for extensive periods in pretrial detention (see section 1.d.). KRG officials noted prosecutors and defense attorneys

frequently encountered obstacles in carrying out their work and that trials were unnecessarily delayed for administrative reasons.

According to the IHRCKR, some detainees remained in KRG internal security service facilities for extended periods even after court orders were issued for their release. Lawyers provided by an international NGO continued to have access to and provide representation to any juvenile without a court-appointed attorney.

**Detainee's Ability to Challenge Lawfulness of Detention before a Court:** The constitution and law grant detainees the right to a prompt judicial determination on the legality of their detention and the right to prompt release. NGOs widely reported detainees had limited ability to challenge the lawfulness of detention before a court and that a bribe was often necessary to have charges dropped unlawfully or gain release from arbitrary detention. While compensation is a constitutional right, the law does not allow for compensation for a person found to have been unlawfully detained.

#### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, but certain articles of law restricted judicial independence and impartiality. The country's security situation and political history left the judiciary weak and dependent on other parts of the government. The Federal Supreme Court rules on matters related to federalism and the constitution, and a separate Higher Judicial Council manages and supervises the court system, including disciplinary matters. The parliament amended the Federal Supreme Court law in March and replaced the entire Supreme Court bench in April. The amended law was criticized by both political parties and civil society for formalizing politicized and sectarian appointments to the court, while minority and other civil society groups blocked an effort by Islamist parties to add Islamic jurists to the bench. The amendment and replacement process also removed the only Christian judge from the bench and created a new secretary general position, without voting powers, that was filled by a Christian judge.

Corruption or intimidation reportedly influenced some judges in criminal cases at the trial level and on appeal at the Court of Cassation.

Numerous threats and killings by sectarian, tribal, extremist, and criminal elements

impaired judicial independence. Judges, lawyers, and their family members frequently faced death threats and attacks. For example, in January unknown gunmen killed the head of the Dhi Qar Advocates Chamber, Ali al-Hamami, while another lawyer survived an attempted killing two days later in the same province.

The Kurdistan Judicial Council is legally, financially, and administratively independent from the KRG Ministry of Justice, but KRG senior leaders reportedly influenced politically sensitive cases. The IKR's strongest political parties also reportedly influenced judicial appointments and rulings. A December 22 joint UNAMI and OHCHR report raised concerns regarding documented statements by KRG officials that "may amount to undue influence in the judicial process, including over the outcome of any subsequent appeal proceedings."

## **Trial Procedures**

The constitution and law provide for the right to a fair and public trial, but the judiciary did not enforce this right for all defendants. Some government officials, international organizations including UNAMI and OHCHR, and civil society organizations (CSOs) reported that trial proceedings fell short of international standards.

By law accused persons are innocent until proven guilty. International NGOs throughout the year indicated that judges in ISIS-related cases, however, sometimes reportedly presumed defendants' guilt based upon presence or geographic proximity to activities of the terrorist group, or upon a spousal or familial relationship to another defendant. The law requires detainees to be informed promptly and in detail of the charges against them and of their right to a fair, timely, and public trial. Nonetheless, officials routinely failed to inform defendants promptly or in detail of the charges against them. Trials were public, except in some national security cases. Numerous defendants experienced undue delays in reaching trial.

Defendants' rights under law include the right to be present at their trial and the right to a privately retained or court-appointed counsel, at public expense, if needed. Defendants frequently did not have adequate time or facilities to prepare a defense. Insufficient access to defense attorneys was a serious defect in

investigative, trial, and appellate proceedings. This scenario was typical in counterterrorism courts, where judicial officials reportedly sought to complete convictions and sentencing for thousands of suspected ISIS members quickly, including through mass trials.

Defendants also have the right under law to the free assistance of an interpreter, if needed. The qualifications of interpreters varied greatly. Some foreign missions provided translators to their citizen defendants. When no translator was available, judges reportedly postponed proceedings and sent the foreign defendants back to jail.

Judges assemble evidence and adjudicate guilt or innocence. Defendants and their attorneys have the right, under law, to confront witnesses against them and present witnesses and evidence. They may not be compelled to testify or confess guilt. Nevertheless, defendants and their attorneys were not always granted access to evidence, or government officials demanded a bribe in exchange for access to the case files. In numerous cases judges reportedly relied on forced or coerced confessions as the primary or sole source of evidence in convictions, without the corroboration of forensic evidence or independent witness testimony. The law provides for retrials of detainees convicted due to forced or coerced confessions or evidence provided by secret informants, but local organizations reported the law was selectively implemented.

The public prosecution, defendant, and complainant each have the right to appeal an acquittal, conviction, or sentence in a criminal court ruling. Appeals are heard by the criminal committee, consisting of a presiding judge and a minimum of four other judges, within the Federal Court of Cassation in Baghdad. The criminal committee automatically reviews all cases with a minimum sentence of 25 years, life imprisonment, or death. The committee may uphold a decision or overrule it and return the case to the trial court for a retrial or for additional judicial investigation.

On February 16, the Erbil Criminal Court found the so-called Badinan Five guilty of “undermining national security” and sentenced them to six years in prison. Erbil’s appellate court upheld the original ruling on May 4. UNAMI and OHCHR observed the two-day trial and reported serious concerns that basic international

fair trial standards were not respected during the hearing. All five defendants alleged in court that Asayish extracted their confessions under torture, but the trial judge dismissed these allegations without further examination. Defense counsel also told the court it was not given adequate time to prepare for trial and had no opportunity to access and review key evidence against the defendants provided by secret informers or to challenge that evidence through cross-examination or by presenting rebuttal evidence.

NGO staff, independent activists, and Iraqi Kurdistan Parliament (IKP) opposition members of parliament called the court's September and October trial postponements of another 11 Badinan detainees unnecessary and accused the KRG of purposely delaying to fabricate evidence and tamp down public support for the detainees. In their December 22 report, UNAMI and OHCHR called the cases "emblematic" of the KRG criminal justice system and described "a consistent lack of respect for the legal conditions and procedural safeguards necessary to guarantee fair judicial proceedings before an independent and impartial tribunal," including the use of secret witnesses, and allegations of torture for at least eight of the defendants, which were "dismissed without further examination." On October 19 and 21, six Badinan detainees were sentenced to a year in prison, on lesser charges of involvement in illegal gatherings and criminal conspiracy (as opposed to the more serious original charges of espionage and "undermining national security"), while a seventh was acquitted. On November 8, the Erbil criminal court convicted the remaining four of undermining the security of the IKR and espionage (the same charges as the Badinan Five faced, although these four defendants received less than the law's five-year minimum sentencing guideline). The defendants filed an appeal December 6. According to one NGO, as of December at least another 34 Badinan-related activists remained in custody with no scheduled court date and many without formal charges.

### **Political Prisoners and Detainees**

The government did not consider any incarcerated persons to be political prisoners and argued they had violated criminal statutes. It was difficult to assess these claims due to lack of government transparency, prevalence of corruption in arrest procedures, slow case processing, and extremely limited access to detainees, especially those held in counterterrorism, intelligence, and military facilities.

Political opponents of the government alleged the government imprisoned individuals for political activities or beliefs under the pretense of criminal charges ranging from corruption to terrorism and murder. Prime Minister al-Kadhimi ordered the immediate release of all detained protesters in May 2020, and the Higher Judicial Council ordered courts to comply.

**Amnesty:** The law includes amnesty for corruption crimes under the condition that the stolen money be returned. NGOs and politicians complained that authorities implemented the law selectively and in a manner that did not comply with the intended goal of providing relief for those imprisoned under false charges or for sectarian reasons.

### **Civil Judicial Procedures and Remedies**

Individuals and organizations may seek civil remedies for, or cessation of, human rights abuses through domestic courts. Administrative remedies also exist. The government did not effectively implement civil or administrative remedies for human rights abuses due in part to the overwhelming security focus of the executive branch on maintenance of law and order, coupled with an understaffed judiciary.

Unlike federal law, KRG law provides for compensation to persons subject to unlawful arrest or detention and survivors of the Anfal chemical weapons campaign waged by the former regime of Saddam Hussein; the KRG Ministry of Martyrs and Anfal Affairs handles such cases. After reviewing and removing duplicate cases in June, the ministry approved an additional 1,300 cases (many historical) that received compensation consisting of a piece of land, 10 years' salary, and college tuition for one family member, although the government could not always pay compensation due to budget constraints.

Individuals in the IKR and the rest of the country who were imprisoned for political reasons under the Saddam regime received a pension as compensation from the government. While KRG political prisoners' monthly pensions were approximately 500,000 dinars (\$342) plus 50,000 dinars (\$34) for each year of being imprisoned, the central government paid other Iraqis a minimum of 1.2 million dinars (\$822).



In March parliament passed the Yezidi Survivors' Law which established a new Survivors' Directorate at the Ministry of Labor and Social Affairs. The Survivors' Directorate is mandated to provide psychosocial support and restitution to victims of ISIS. As of October 1, the government had neither fully funded nor issued implementing regulations for the directorate.

### **Property Seizure and Restitution**

The constitution and law prohibit the expropriation of property, except for the public benefit and in return for just compensation. In previous years government forces and PMF units forced suspected ISIS members, in addition to members of religious and ethnic minority groups, from their homes and confiscated property without restitution. Although home and property confiscations continued to decline during the year, many of those who confiscated the homes still occupied them or claimed ownership to the property. This factor, among other concerns, contributed to low rates of return for IDPs to these areas.

In June the Iraqi Commission of Integrity (COI) announced that the Integrity Investigation Court in Ninewa ordered the freezing of 844 state land assets that were illegally seized or allocated to various parties until an investigation of their status was completed. There was no information available on the status of the investigation. In May the mayor of Mosul City, Zuhair al-Araji, asked the Police Directorate in Mosul to take legal action against four members of Asa'ib A'hla al-Haq (AAH) who worked in the AAH Economic Office in Mosul, on charges of bulldozing and seizing a plot of land for the purpose of selling it; however, the Police Directorate took no action.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions, but there were numerous reports that the government failed to respect these prohibitions. Government forces often entered homes without judicial or other appropriate authorization.

Authorities reportedly detained spouses and other family members of fugitives – mostly Sunni Arabs wanted on terrorism charges – to compel the fugitives to

surrender.

## **g. Conflict-related Abuses**

**Killings:** Iraq Body Count, an independent NGO that records civilian deaths in the country, reported 417 civilians killed during the year due to internal conflict, a drop from 848 civilian deaths reported in 2020. An IHCHR commissioner attributed the drop in deaths to reduced protest activity.

Despite its territorial defeat in 2017, ISIS remained a major perpetrator of abuses and atrocities. The remaining fighters operated out of sleeper cells and strike teams that carried out sniper attacks, ambushes, kidnappings, and killings against security forces and community leaders. These abuses were particularly evident in Anbar, Baghdad, Diyala, Kirkuk, Ninewa, and Salah al-Din Provinces. On March 13, ISIS claimed responsibility for killing seven members of a single family in the Albu Dor region south of Tikrit in Salah al-Din Province.

**Abductions:** There were frequent reports of enforced disappearances by or on behalf of government forces, including the ISF and PMF, as well as non-PMF militias and criminal groups.

A 2020 UNAMI report released and shared with government officials on enforced disappearances in Anbar Province called for independent and effective investigations to establish the fate of approximately 1,000 civilian men and boys who disappeared during military operations against ISIS in Anbar during 2015-16. As of October the IHCHR had not received any information regarding these individuals, and the government had not added the names to their databases of known missing persons.

On August 1, the KRG Office for Rescuing Kidnapped Yezidis stated that 2,763 (1,293 women and 1,470 men) of the 6,417 Yezidis kidnapped by ISIS in 2014 remained missing.

Members of other minority populations were also victims of human rights abuses committed by ISIS forces. In February Ali Hussein of the Iraqi Turkmen Front reported a revised estimate of kidnapped Turkmen at 1,300 since 2014. Among the abductees, 470 were women, 130 children, and 700 men.

**Physical Abuse, Punishment, and Torture:** Reports from international human rights groups stated that government forces, including Federal Police, NSS, PMF, and Asayish, abused prisoners and detainees, particularly Sunni Arabs. In May, Afad Center for Human Rights reported that the detainees who were most frequently subjected to torture were Sunnis from the northern and western provinces, Baghdad belt region, and other areas that were subjected to ISIS occupation.

**Child Soldiers:** There was one verified report of recruitment and use of children by the Popular Mobilization Forces. The government and Shia religious leaders expressly prohibited children younger than 18 from serving in combat.

In previous years ISIS was reported to have recruited and used children in combat and support functions. Due in part to ISIS' territorial defeat, little information was available on its use of children in the country during the year.

In August the United Nations Security Council Working Group on Children and Armed Conflict published its annual report on children and armed conflict, in which the UN Secretary General commended the government for its continuing discussion with the United Nations on developing an action plan to prevent the recruitment and use of children by the Popular Mobilization Forces; however, it noted that one new case of recruitment and use of a child soldier by the Popular Mobilization Forces was verified.

See also the Department of State's annual Trafficking in Persons Report at <https://www.state.gov/trafficking-in-persons-report/>.

**Other Conflict-related Abuse:** Conflict disrupted the lives of hundreds of thousands of persons throughout the country, particularly in Baghdad, Anbar, Diyala, Salah al-Din, and Ninewa Provinces.

Government forces, including the ISF and PMF, established or maintained roadblocks that reportedly impeded the flow of humanitarian assistance to communities in need, particularly in disputed territories such as the Ninewa Plain and Sinjar in Ninewa Province. ISIS continued to attack religious observances, including funerals, and civilian electricity and other infrastructure. In 2017 the UN Security Council, in cooperation with the government, established the UN

Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD) to support domestic efforts to hold ISIS accountable by collecting, preserving, and storing evidence, to the highest possible standards, of acts that may amount to war crimes, crimes against humanity, and genocide committed by ISIS.

In May Special Adviser Karim Khan presented to the UN Security Council that UNITAD had established “clear and convincing evidence” that the crimes committed by ISIS against the Yezidis constituted genocide. UNITAD reported that ISIS was “responsible for acts of extermination, murder, rape, torture, enslavement, persecution, and other war crimes and crimes against humanity perpetrated against the Yezidis.” In September the UN Security Council extended UNITAD’s mandate for another year. In October government authorities, in cooperation with UNITAD, completed the excavation of a mass grave site in Bir Mantiqa al-Halwat, Anbar Province, where ISIS atrocities had reportedly occurred in 2014. The general director of mass graves at the IKR Ministry of Martyrs and Anfal Affairs confirmed in a public statement on December 8 that there were 90 mass graves in the Sinjar region. UNITAD-supported exhumation and identification activities continued throughout the year.

Militias and local authorities in some areas, including Ninewa and Diyala Provinces, tried to exercise control over NGO activities and staff recruitment. During August two humanitarian organizations reported to the United Nations Office for the Coordination of Humanitarian Affairs that security actors requested names and personnel details of employees as a condition for continuing humanitarian operations.

There were reports of physical harm to humanitarian staff operating in the country. Three staff of an international NGO were reportedly injured during Turkish military operations in and around Sinjar, Ninewa Province in August. Press outlets reported that these Turkish operations included airstrikes on what may have been a makeshift medical facility, killing four medical staff in addition to members of a militia affiliated with both the PKK and elements of the Iraqi Popular Mobilization Forces.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution provides for freedom of expression, including for members of the press and other media if such does not violate public order and morality, or express support for the banned Baath Party. Despite this provision, media and social activists faced various forms of pressure and intimidation from authorities, making the primary limitation on freedom of expression self-censorship due to a credible fear of reprisals by the government, political parties, ethnic and sectarian forces, militias, terrorist and extremist groups, or criminal gangs. A media environment in which press outlets were closely affiliated with specific political parties and ethnic factions, an opaque judiciary, and a still-developing democratic political system combined to place considerable restrictions on freedom of expression, including the press.

**Freedom of Expression:** Individuals were able to criticize the government publicly or privately but not without fear of reprisal. Paramilitary militias harassed activists and new reform-oriented political movements online and in person, including through online disinformation, bot attacks, and threats or use of physical violence to silence them and halt their activities.

Iraqi Security Forces (mostly those under the Ministry of Interior, within the NSS, or from the PMF), in addition to KRG forces (primarily Asayish), arrested and detained protesters and activists critical of the central government and of the KRG, respectively, according to statements by government officials, NGO representatives, and press reports.

#### **Freedom of Expression for Members of the Press and Media, Including**

**Online Media:** Despite the constitutional protection for freedom of expression, central government and KRG oversight and censorship sometimes interfered with media operations, at times resulting in the closure of media outlets, restrictions on reporting, denying access to public information, and interference with internet service.

Local media was active and expressed a variety of views, largely reflecting owners' political viewpoints. Media also self-censored to comply with government restrictions against "violating public order" and because of a fear of reprisal by political figures and parties, militias, terrorist groups, criminal organizations, government officials, and private individuals. Political parties strongly influenced or controlled outright most of the several hundred daily and weekly print publications, as well as dozens of radio and television stations.

The KRG's Kurdistan Democratic Party (KDP) and Patriotic Union of Kurdistan (PUK) prioritized access to the outlets they owned. In KDP strongholds, Kurdistan Television, Rudaw, and K24 had access to all public places and information, while in PUK-dominated Sulaymaniyah Province, Kurdsat News and GK Television enjoyed the same privilege. Conversely, outlets belonging to opposition parties or lacking party affiliation had limited access to public information in the IKR.

**Violence and Harassment:** Journalists continued to face threats, intimidation, and attacks by militia or security forces.

Government forces occasionally prevented journalists from reporting, citing security reasons. Some media organizations reported arrests and harassment of journalists, as well as government efforts to prevent them from covering politically sensitive topics, including security matters, corruption, and government failure to provide adequate services. For example on June 21, security forces confiscated the equipment of media crews of the BMC, Rudaw, and Kurdish Nalia Radio and Television (NRT) to stop them from covering a confrontation between security forces affiliated with the IKR vice president and Sulaymaniyah Asayish. Impunity in cases of violence against the press and a lack of a truly independent judiciary and press regulation body diminished the effectiveness of journalists.

During the year parliament introduced a revised draft of the Combatting Cybercrimes bill that was the subject of intense national debate. NGOs shared concerns that the law would most likely be used to restrict free speech and the work of journalists, whistleblowers, and activists.

Throughout the IKR there were reports of beatings, detentions, and death threats against media workers, particularly toward journalists working for opposition-

affiliated outlets. In some cases the aggressors wore KRG military or police uniforms. On August 11, the local NGO Metro Center reported that while covering public demonstrations protesting the lack of water in Erbil, government-affiliated persons attacked an NRT crew and prevented NRT and Speda TV crews from covering the protest. On July 13, security forces affiliated with PUK co-leader Bafel Talabani raided the headquarters of IPlus TV, a new outlet preparing to open reportedly affiliated with PUK co-leader Lahur Talabani. Security forces held the reporters inside the building for a few hours, following political disputes between the two leaders. The outlet was then shut down and was not permitted to open.

Certain KRG courts applied the more stringent criminal code and laws in lawsuits involving journalists rather than the KRG's local press law, which provides greater protection for freedom of expression and forbids the detention of journalists. For example, the KRG security forces detained KNN journalist Qahraman Shukri on January 27, and the court sentenced him on June 27 in the absence of legal counsel, on unknown charges. On June 12, the Halabja court sentenced freelance journalist Nasih Abdulrahim to six months in prison on charges of defamation and misuse of a telecommunication device following a lawsuit filed by the Halabja Health Directorate concerning a Facebook post concerning an investigation into a workers' complaint at the Health Directorate.

**Censorship or Content Restrictions:** The law prohibits producing, importing, publishing, or possessing written material, drawings, photographs, or films that violate public integrity or decency. The penalties for conviction include fines and imprisonment. Fear of violent retaliation for publishing facts or opinions critical of political factions inhibited free expression. The Ministry of Culture must approve all books published in or imported into the country, thereby subjecting authors to censorship.

On July 14, the Press Freedom Advocacy Association in Iraq (PFAA) reported that security forces had raided and closed the Baghdad bureau of RT (Russia Today), confiscating equipment and briefly detaining Ashraf al-Azzawi, the Baghdad correspondent of RT's Arabic channel. According to PFAA, the order had come from the Communication and Media Commission (CMC), but the CMC provided no reason for the raid.

**Libel/Slander Laws:** The law criminalizes slander, blasphemy, and defamation, including the insulting of government leaders. The judiciary, militias, and government officials used arrest warrants in defamation cases to intimidate, silence, and in some instances apparently “flush out” activists and journalists from hiding. Human rights organizations recommended the government revise the law, which they said was used to silence dissent and calls for reform. In November the judiciary issued an arrest warrant against prominent activist Ahmed al-Washah for defaming Mohammed al-Sadr, the father of Sadrist Trend leader Muqtada al-Sadr, based on Washah’s social media posts criticizing the Sadr family.

**National Security:** Paramilitary militias in the PMF frequently threatened Sunni and minority communities with terrorism charges to silence their dissent, especially in areas where the militias have taken over local land and economic activities and blocked the return of Sunni IDPs.

**Nongovernmental Impact:** Nongovernmental and quasi-governmental actors, including militias outside of state control, terrorist groups, and criminal organizations, threatened journalists with violence for reporting on sensitive subjects. According to the PFAA, on May 31, al-Tagheer TV channel employees and its owner received death threats from unknown militias in response to a television program criticizing militias in the country. The PFAA also received reports of other threats to media correspondents by militia groups.

## **Internet Freedom**

The government restricted or disrupted access to the internet and censored online content, and there were credible reports the government monitored private online communications without appropriate legal authority. Government restrictions on access to the internet were overt, but the government denied that it monitored private online communications without appropriate legal authority. Despite restrictions, political figures and activists used the internet to criticize politicians, organize demonstrations, and campaign for candidates through social media platforms. Militias used bots and disinformation campaigns to attack and defame activists, independent elections candidates, and the electoral commission.

Civil society organizations reported their activists’ social media pages were



monitored by government and militia forces, and that the activists faced harassment or criminal charges filed against them based on what they posted on Facebook and other social media platforms. For example on November 16, the Kirkuk Province misdemeanor court charged Hazhar Kakai, a lawyer and a human rights advocate, 510,000 dinars (\$350) for a Facebook post allegedly describing the acting governor of Kirkuk Rakan al-Jabouri as a Baathist.

### **Academic Freedom and Cultural Events**

There were government restrictions on academic freedom and cultural events. Social, religious, and political pressures significantly restricted the exercise of freedom of choice in academic and cultural matters. In all regions various groups sought to control the pursuit of formal education and the granting of academic positions. Despite hosting several concerts and festivals during the year, the Tourism Security Directorate in some Shia provinces attempted to restrict the staging of concerts and use of public, non-Islamic music.

NGOs in the IKR reported that university president, dean, and senior professorship positions were easier to obtain for those with links to the KDP and PUK ruling parties. Privilege was also given to those affiliated with political parties in the pursuit of higher degrees.

### **b. Freedoms of Peaceful Assembly and Association**

The government occasionally limited freedoms of peaceful assembly and association.

#### **Freedom of Peaceful Assembly**

The constitution provides for freedom of assembly and peaceful demonstration “regulated by law,” and the government generally respected this right. Regulations require protest organizers to request permission seven days in advance of a demonstration and submit detailed information regarding the applicants, the reason for the protest, and participants. The regulations prohibit all “slogans, signs, printed materials, or drawings” involving “sectarianism, racism, or segregation” of citizens. The regulations also prohibit anything that would violate the constitution or law; encourage violence, hatred, or killing; or prove insulting to Islam, “honor,

morals, religion, holy groups, or Iraqi entities in general.” Authorities generally issued permits in accordance with the regulations.

In June Amnesty International reported its investigation of 14 out of the more than 100 cases from the IKR’s Duhok Province known as the Badinan detainees. Observers alleged the detainees were arbitrarily arrested between March and October 2020 by Asayish and Parastin forces (Kurdistan Democratic Party intelligence) in connection with their participation in protests, criticism of local authorities, or journalistic work. Amnesty International found all members were held incommunicado for up to five months and at least six were forcibly disappeared for periods of up to three months; eight of them claimed they had been tortured or otherwise ill-treated during detention. Amnesty International further documented four instances of harassment or intimidation of family members of these individuals in detention or hiding, including by arrest and verbal threats. A December UNAMI and OHCHR report raised similar concerns. While trials for some Badinan detainees have concluded (see section 1.e), others remained in detention without charges.

### **Freedom of Association**

The constitution provides for the right to form and join associations and political parties, with some exceptions. The government generally respected this right, except for the legal prohibitions against groups expressing support for the Baath Party or “Zionist principles.”

NGOs registered in Baghdad could operate in the IKR, but NGOs registered solely in the IKR could not operate in the rest of the country. As a result, some NGOs registered only in the IKR could not operate outside the IKR and KRG-controlled disputed territories.

### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

#### **d. Freedom of Movement and the Right to Leave the Country**

The constitution and law provide for the freedom of internal movement, foreign travel, emigration, and repatriation, but the government did not consistently respect these rights. Law and custom generally do not respect freedom of movement for women. For example the law prevents a woman from applying for a passport without the consent of her male guardian or a legal representative. Women could not obtain the Civil Status Identification Document, required for access to public services, food assistance, health care, employment, education, and housing, without the consent of a male relative.

In some circumstances authorities restricted movements of displaced persons, and authorities did not allow some IDP camp residents to depart without specific permission, thereby limiting access to livelihoods, education, and services. Many parts of the country liberated from ISIS control suffered from movement restrictions due to checkpoints of PMF units and other government forces. In other cases local authorities did not always recognize security permits of returnees or comply with the central government's orders to facilitate, but not force, returns.

**In-country Movement:** The law permits security forces to restrict in-country movement and take other necessary security and military measures in response to security threats and attacks. There were numerous reports that government forces, including the ISF, Peshmerga, and PMF, selectively enforced regulations, including for ethno-sectarian reasons, as well as criminal extortion, requiring residency permits to limit entry of persons into areas under their control.

Multiple international NGOs reported that PMF units and the Peshmerga prevented civilians, including Sunni Arabs and members of ethnic and religious minority groups, from returning to their homes after government forces ousted ISIS (see section 6). UNHCR reported that local armed groups barred returns to certain areas of Baiji, Salah al-Din Province. Similarly, Christian CSOs reported that certain PMF groups, including the 30th and 50th PMF Brigades, prevented Christian IDP returns and harassed Christian returnees in several towns in the Ninewa Plain, including Bartalla and Qaraqosh. Members of the 30th Brigade also refused to implement a decision from the prime minister to remove checkpoints, and their continued obstruction led to forced demographic change in traditionally

Christian areas of the Ninewa Plain.

The KRG authorities restricted movements in certain areas for nonresidents and required nonresidents to register with the local Asayish office to obtain a permit. These permits were generally renewable. Citizens of all ethno-sectarian backgrounds, including Kurds, crossing into the IKR from central or southern regions were obligated to cross through checkpoints and undergo personal and vehicle inspection. The government imposed similar restrictions on IDPs from Ninewa Province and the disputed territories.

Security considerations, unexploded ordnance, destruction of infrastructure, COVID-19 curfews, and travel restrictions, as well as official and unofficial access restrictions, limited humanitarian access to communities in need. Insecurity caused by the presence of ISIS, the Kurdistan Workers' Party (PKK), and PMF groups, central government and KRG access restrictions including requirement of National Operations Center letters approving intergovernorate movement, and COVID restrictions hindered the movement of humanitarian organizations, restricting their ability to monitor and implement some programs for a portion of the year.

Out of the estimated 2.4 million persons in need of humanitarian assistance in the country, in September alone more than 18,000 were affected by restrictions imposed on humanitarian movements, according to the UN Office for the Coordination of Humanitarian Affairs (OCHA). OCHA reported that while there were occasionally location- and context-specific restrictions on humanitarian NGO operations, these were usually temporary and eventually resolved. There were few to no areas where humanitarian NGOs were categorically prevented from working. There were, however, areas of high sensitivity where militias or local security actors were less comfortable with NGOs' presence, which generally diminished the scale and pace of humanitarian operations in those areas.

In August humanitarian partners reported 21 access-related incidents in 12 districts, with approximately 85 percent comprising administrative restrictions on movement. Additionally, there were two reported incidents of interference in the implementation of humanitarian activities and one reported incident of violence against humanitarian personnel, assets, and facilities. Approximately 41,000

persons in need were affected by the reported incidents.

The number of reported humanitarian access incidents related to lack of national-level access letter authorizations was 60 percent lower than the average reported in 2020. From January to September an average of 21 access-related incidents per month were reported and recorded by the OCHA-managed tracking system, approximately 60 percent less than the monthly average reported in 2020 of 52 incidents per month. Access improved for humanitarian NGOs following the establishment of an online application system for access authorization letters, which became operational in early in the year. These letters were still not universally recognized by all local security actors, and humanitarian actors continued to face challenges, some of which were recurrent in particularly sensitive locations such as Kirkuk Province's Hawija and Daquq Districts.

**Foreign Travel:** The government required exit permits for minors younger than age of 18 leaving the country, but the requirement was not routinely enforced.

#### **e. Status and Treatment of Internally Displaced Persons**

The constitution and national policy on displacement address IDP rights, but few laws specifically do so. The government and international organizations, including UN agencies and local and international NGOs, provided protection and other assistance to IDPs. Humanitarian actors continued to provide support to official IDP camps and implemented community-based services for IDPs residing outside of camps to limit strain on host community resources.

According to the International Organization for Migration (IOM) Displacement Tracking Matrix, as of September 30, there were 1,189,581 persons internally displaced, with 182,240 residing in camps and an additional 103,000 in informal settlements, predominantly in Erbil, Duhok, and Ninewa Provinces. According to IOM, 102,372 IDPs lived in critical shelters, including unsafe and abandoned buildings, religious buildings, and schools, which were not safe, adequate, or permanent. IOM reported that 4,939,074 persons returned to areas of origin across the country since the liberation from ISIS.

Following government closures of 16 IDP camps in territory outside the IKR at the end of 2020, international NGOs reported only 41 percent of those leaving the

camps were able to return to their previous residence, and thousands of IDPs were forced into secondary displacement. In November the government reclassified one of the two remaining IDP camps in central government-controlled territory as an informal settlement. The camp, in Anbar, accommodated 466 households (2,155 individuals). One-half of the camp population was part of female-headed households, many with perceived ISIS affiliations. The remaining IDP camp outside the IKR accommodated 1,020 households (5,279 individuals) in Ninewa.

After repeated advocacy from the United Nations and the international community, the government agreed to a coordinated return plan for both camps. The government worked with the Sunni Endowment to provide a million dinars (\$685) to families who elected to leave the camps. In March the government approved a *National Plan to Address Displacement in Iraq* drafted by the Ministries of Planning and of Migration and Displacement.

In some areas violence, insecurity, and long-standing political, tribal, and ethno-sectarian tensions hampered progress on national reconciliation and political reform, complicating the protection environment for IDPs. Thousands of families faced secondary displacement due to economic and security concerns. Forced displacements strained the capacity of local authorities in areas with higher concentrations of IDPs.

Families returning to their place of origin often grappled with the destruction of their homes, a lack of access to services, and a dearth of livelihood opportunities. Many returnees were concerned by the prevalence of PMF groups or remnants of ISIS and, in Sinjar, militias aligned with the PKK. Displaced families, especially those with perceived ties to ISIS, including victims and survivors of ISIS crimes, were often unable to obtain or replace vital civil status documents, without which they were unable to work, go to school, or move about freely. In some cases this led to secondary displacement or a return to IDP camps.

In August the Ministry of Displacement and Migration acknowledged that the lack of security, services, and infrastructure in the cities destroyed by military operations in the provinces of Anbar, Salah al-Din, Ninewa, Kirkuk, and Diyala caused IDPs who had returned to their areas of origin to go back to IDP camps. Government assistance focused on financial grants to returnees, but payments were

sporadic, and there was a large backlog in responding to applications. Faced with large movements of IDPs across the country, the government provided food, water, and financial assistance to some but not all IDPs, including in the IKR. Many IDPs lived in informal settlements without access to adequate water, sanitation, or other essential services.

Some local authorities also applied government compensation laws in a discriminatory manner and excluded families with perceived ISIS affiliations. Many families applied for but had not yet received compensation, and authorities prevented some families with perceived ISIS affiliations from applying. As a result, many IDPs did not have the resources to rebuild their homes.

All citizens were eligible to receive food under the Public Distribution System (PDS), but authorities implemented the PDS sporadically and irregularly, with limited access in areas that were among the last to be liberated. Authorities did not distribute all commodities each month, and not all IDPs could access the PDS in each province. There were reports of IDPs losing access and entitlement to PDS distributions and other services due to requirements that citizens could redeem PDS rations or other services only at their registered place of residence.

Local authorities often determined whether IDPs would have access to local services. KRG officials asserted that all IDPs and refugees in the Kurdistan Region benefited from access to public services and infrastructure (such as drinking water, electricity, education, health care, roads, and irrigation systems) on an equal basis with the local population, which they stated reflected the KRG's commitment to safeguarding fundamental human rights and human dignity under pressing circumstances.

Almost a million of the country's IDPs and refugees resided in the IKR, with approximately 30 percent living in camps and 70 percent outside camps, according to the KRG's Joint Crisis Coordination Center (JCCC). The KRG hosted 25 of the 27 IDP camps in the country and committed not to close them until the IDPs returned to their area of origin voluntarily. According to the JCCC, as of August, 40 percent of IDPs throughout the IKR were Sunni Arabs, 30 percent were Yezidis, 13 percent were Kurds (of several religious affiliations), and 7 percent were Christians. Other religious minority groups comprised the remaining 10

percent. Despite the difficult economic situation and security challenges that occurred in the region, KRG officials reported that preserving the rights of these minorities was a top priority. Households with perceived ties to ISIS faced stigma and were at increased risk of being deprived of their basic rights. Individuals in IDP camps require government permission to return to their areas of origin, and government officials frequently denied these security clearances for displaced households with perceived ISIS affiliation. Because of this perceived affiliation, these households faced problems obtaining civil documentation and had limited freedom of movement, including the ability to seek medical treatment, due to the risk of arrest or inability to reenter the camps where they resided. Humanitarian organizations reported that female heads of household in multiple IDP camps struggled to obtain permission to move and were subject to verbal and physical harassment, including rape, sexual assault, and exploitation, by government forces and camp residents.

IDPs, particularly those suspected of ISIS affiliation, continued to face hostility from local government officials and populations, as well as expulsion when they attempted to return to areas of origin. In liberated areas of Anbar, Duhok, Kirkuk, Ninewa, and Salah al-Din Provinces, humanitarian agencies reported movement restrictions for families with relatives suspected of ISIS affiliation. An Interior Ministry official estimated the number of those with perceived ISIS affiliation at 250,000. Tribal leaders and humanitarian actors reported that fabricated accusations of ISIS affiliation led to the stigmatization of IDPs. IDPs were also often the targets of stigmatization or discrimination because of familial rivalries or economic reasons, rather than because of affiliation with ISIS.

Many Christian IDPs refused to return to the town of Tal Kayf, citing fear of the PMF 50th Brigade that occupied it and the presence of the Tesferat detention center and court, which the International Committee of the Red Cross reported could hold women and minors suspected of being ISIS family members. Prior to 2002 there were between 800,000 and 1.4 million Christians in the country, but that figure had reportedly fallen to less than 150,000, located primarily in the Ninewa Plain. Only a very small number of the country's population of 400,000 to 500,000 Yezidis had returned to their homes, with Sinjar having a return rate of only an estimated 35 percent. Many chose to stay in camps, saying a lack of a



reconstruction plans or public services, as well as insecurity, discouraged them from returning home.

In October 2020 the government and the KRG signed the comprehensive Sinjar Agreement. It called for a new mayor and administrative committees to oversee Sinjar District, a local security police consisting of Yezidis, removal of PKK and PMF militias, and expanded reconstruction efforts to support voluntary returns of Yezidis still displaced in the IKR and abroad. Political disagreements stalled progress, and the agreement was yet to be fully implemented. UNHCR reported many of the IDPs who initially returned to Sinjar headed back to the camps in Duhok, citing a lack of security and access to livelihoods in Sinjar.

## **f. Protection of Refugees**

The government generally cooperated with UNHCR, IOM, and other humanitarian organizations in providing protection and assistance to refugees, returning refugees or asylum seekers, as well as other persons of concern. The government did not have effective systems to assist all these individuals, largely due to a lack of capacity.

**Access to Asylum:** The law provides for the granting of asylum or refugee status, and the federal government has established a system for providing protection to refugees, while the IKR provides residency permits to asylum seekers and refugees in its territory outside the framework of the federal law. Syrians make up most of the refugee population, and almost all refugees resided in the IKR, which has 10 refugee camps. The system lacked procedural safeguards, including no effective right of appeal, and access was largely nationality-based. The law does not provide for specific provisions for groups with special needs, including children and persons with disabilities but neither does it preclude their access to protection.

**Abuse of Migrants and Refugees:** Humanitarian protection experts assessed that residents of Iraqi IDP camps were highly susceptible to sexual exploitation and abuse, with conditions further exacerbated by COVID-19-related movement restrictions. Refugees and IDPs reported frequent sexual harassment, both in camps and cities in the IKR. Local NGOs reported cases in which camp management and detention employees subjected IDPs and refugees to various

forms of abuse and intimidation.

**Freedom of Movement:** Syrian refugees continued to face restrictions on residence and movement outside the IKR. KRG authorities stated IDPs and refugees had freedom of movement within the IKR. There is an established practice that enables short-term visits to Syria to take place for a limited number of reasons, upon approval of the KRG. Kurdish Human Rights Watch confirmed the restrictions on residence and movement outside the IKR.

**Employment:** Refugees and asylum seekers were entitled to work in the private sector. Based on specific decrees and practice, Palestinian refugees generally enjoyed rights akin to citizens but were not able to naturalize or vote. In the IKR, Palestinians were allowed to work in the private sector but were required to renew their refugee status annually. Syrian refugees were able to obtain and renew residency and work permits both in refugee camps and in the IKR, although not in the rest of the country. Central government authorities did not permit refugees with IKR residence permits to work outside the IKR. According to UNHCR, both refugees and asylum seekers without a visa were allowed to work formally in the IKR if they obtained a KRG residency permit and were age 15 or older.

## **g. Stateless Persons**

UNHCR estimated there were 46,500 individuals who were either stateless or at risk of statelessness. An estimated 15,000 displaced children lacked civil documentation and faced exclusion from local communities, including being barred from attending school, denied access to health care, and deprived of basic rights. Many of these children born under ISIS rule were issued birth certificates considered invalid by the government. They faced extreme difficulties in obtaining civil documentation due to perceived ISIS affiliation. This was made more difficult as women were unable to obtain birth certificates for their children without their husband present or a certificate of their husband's death.

These women and children were stigmatized because of their association with ISIS, leaving them at heightened risk of suicide, retaliation, and sexual exploitation. Although some communities issued edicts and took steps to absolve women of perceived guilt associated with their sexual exploitation by ISIS fighters,

honor killings remained a risk. Communities generally did not accept children born to ISIS fighters. Absent a consistent, countrywide plan to document children of Iraqi mothers and ISIS fathers, those children were at risk of statelessness.

The Yezidi community more willingly welcomed back Yezidi women who survived ISIS captivity but not children fathered through rape by ISIS fighters. The Yezidi community frequently forced women to give up such babies and minor children to orphanages under threat of expulsion from the community. Women who chose to keep their children faced the threat of ostracization from their community and honor killings. International NGOs provided shelter referrals to some Yezidi women and, in some cases, assisted mothers in finding homes for forcibly abandoned children. Those children that did not receive assistance were without parents, identification, clear country of birth, or settled nationality. The UNAMI reported that although the Iraqi Council of Representatives (COR) passed the Yezidi Survivors' Law in March, the legislation did not include specific provisions related to the status of or benefits for ISIS-born children and their mothers, especially children born of sexual violence.

UNHCR's advocacy, legal awareness raising, and civil documentation support continued to be available to persons at risk of statelessness. Documents most relevant to those at risk of statelessness, include birth, marriage, and nationality certificates.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. Despite violence and other irregularities in the conduct of previously held elections, citizens were generally able to exercise this right.

#### **Elections and Political Participation**

**Recent Elections:** During the year the Independent High Electoral Commission (IHEC) conducted elections for the Iraqi COR – the national parliament. The ISF, IDPs, and detainees voted at special polling stations October 8, and general voting took place October 10. Voter turnout based on the number of registered voters was

43 percent. Official IHEC statistics using a similar methodology showed 44 percent turnout in 2018; however, the elections during the year excluded out-of-country voters and restricted IDP voting to those IDPs with biometric voter IDs. The elections were observed by the EU and by domestic civil society organizations and monitored by UNAMI.

Domestic and international elections observers cited procedural and transparency improvements over the 2018 elections. IHEC experienced minor glitches with its new voting technologies, first introduced in 2018, but was able to overcome many of these challenges due to the robust presence of international advisers provided largely by UNAMI. Domestic and international elections observers cited that violence against activists and voter intimidation by paramilitary militia groups in the months ahead of the elections likely affected voters' choice and voter turnout. International observers also cited that unregulated campaign spending and "rampant disinformation online, including by political stakeholders and groups affiliated with foreign countries" that spread false narratives and attacked and threatened candidates – especially women, journalists, and human rights activists – also negatively affected candidate participation. Credible allegations of vote buying were common.

The COR ratified a new election law in November 2020 which divided the country into 83 smaller electoral districts and effectively changed the country's elections from a proportional representation system based on party lists to a single, nontransferable vote system. This system yielded more competitive and unexpected results than in prior elections, prompting some parties to allege the results were manipulated. Most observers dismissed these allegations, citing an independent audit of IHEC's electronic results management system completed ahead of the elections.

Militia-affiliated parties staged paid demonstrations outside of Baghdad's international zone that resulted in clashes with the ISF and the deaths of two militia members on November 5. Similar groups were also suspected of staging a rocket attack on government facilities in Baghdad on October 31 and an attack on Prime Minister al-Kadhimi's residence on November 7 using explosive-laden drones. Separately, winning independent candidate Nadhim al-Shibly was attacked with an explosive device at his home in al-Qadisiyah Province on November 6. IHEC

announced the final interim election results on November 30 following the Electoral Judicial Panel's review of election appeals, which resulted in the change of the winners of five seats.

On December 27, the Federal Supreme Court (FSC) certified the results of the October 10 election, a few hours after rejecting a case brought by Fatah Alliance leader Hadi al-Amiri to invalidate the election results. The FSC ruled that Amiri must repay court-proceeding expenses and that the new COR could amend the election law to mandate manual results tabulation, in part to mitigate future controversies regarding alleged electronic tampering and appease election rejectionists.

The parliamentary election saw the first implementation of new biometric identification voter ID (BVID) requirements for special voting categories to include security forces, IDPs, and detainees. Due in part to these requirements, the number of eligible IDP voters dropped to 120,126 from 293,943 in 2018. IDP returns and government closures of IDP camps also affected IDPs' ability to vote. IHEC made attempts to register IDPs for BVIDs using mobile outreach teams and by working with IDP camp administrators. Most detainees also did not have the documents required to obtain the BVID due to the government's civil identity directorate COVID-19-limited hours. Access to prison populations was also restricted due to COVID-19 resulting in reduced electoral participation by these individuals.

**Political Parties and Political Participation:** Political parties and coalition blocs tended to organize along either religious or ethnic lines, although some parties crossed sectarian lines. Membership in some political parties conferred special privileges and advantages in employment and education. IHEC confirmed the registration of 38 coalitions and 256 parties to participate in parliamentary elections, although some did not run candidates.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women, persons with disabilities (see section 6), or members of minority groups in the political process, and these groups did participate. The constitution mandates that women constitute at least 25 percent of parliamentary and provincial council membership. Female candidates comprised 29 percent of

overall candidates, and women won a record 97 seats in parliament, including 54 that did not rely on the quota process. Nonetheless, political discussions often reportedly marginalized female members of parliament.

Of the 329 seats in parliament, the law reserves nine seats for members of minority groups: five for Christians from Baghdad, Ninewa, Kirkuk, Erbil, and Duhok Provinces; one for Yezidis; one for Sabeen-Mandaeans; one for Shabak; and, following a parliamentary decision in 2019, one for Faili Kurds in Wasit Province. Members of minority groups won additional seats in parliament over their quota allotment, including three Yezidis and, for the first time, two Kaka'i.

The KRG reserves 30 percent of parliamentary and provincial council membership for women. Three women held cabinet-level positions as of October, and women constituted 86 of the IKR's 435 judges and held an additional 383 positions in the judicial sector. Of 111 seats in the IKP, the law reserves 11 seats for members of minority groups along ethnic, rather than religious lines: five for (predominantly Christian) Chaldo-Assyrian candidates, five for Turkmen candidates, and one for Armenian candidates. No seats are reserved for self-described groups whom the KRG considers ethnically Kurdish or Arab, such as Yezidis, Shabak, Sabeen-Mandaeans, Kaka'i, and Faili Kurds.

Major political parties partnered with, or in some cases created, affiliated minority group political parties in both the central government and IKR elections and encouraged other nonminority citizens to vote for their allied minority candidates for quota seats in the COR and IKP. Minority religious leaders and minority community activists complained this process disenfranchised them, and they advocated for electoral reform to limit voting for minority quota seats to voters of the relevant minority, as well as for additional quota seats in the COR and IKP.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government struggled to implement the laws effectively. The law allows some individuals convicted of corruption to receive amnesty upon repaying money obtained through corruption, which had the effect of allowing them to keep any profits from stolen

funds.

Corruption remained a chief obstacle to effective governance at all institutional levels. Bribery, money laundering, nepotism, and misappropriation of public funds were common at all levels and across all branches of government. Family, tribal, and ethno-sectarian considerations significantly influenced government decisions at all levels and across all branches of government. Federal and KRG officials frequently engaged in corrupt practices with impunity. There were, however, notable steps in 2020, including the approval of a national anticorruption strategy and subpoenas issued for and conviction of government officials for corruption in the IKR and the rest of the country.

The Council of Ministers Secretariat has an anticorruption advisor, and the COR has an Integrity Committee. There is also a Federal Commission of Integrity (COI), a COR-monitored commission established in 2004 and recognized under the 2005 constitution as an independent body tasked with preventing and investigating corruption at all levels of government. The Council of Ministers secretary general leads the Joint Anticorruption Council, which also includes agency inspectors general. Investigations of corruption were not free from political influence.

In June the government approved the provisions of the national anticorruption strategy proposed by the COI for 2021-24. The provisions of the national anticorruption strategy include the use of international companies that have experience and competence in the field of recovering smuggled funds from those convicted on corruption charges and working to control inflation and graft. The government made several arrests for corruption-related charges.

Anticorruption efforts were hampered by a lack of agreement concerning institutional roles, political will, political influence, lack of transparency, and unclear governing legislation and regulatory processes. The existence of armed militias, which were directly involved in corruption and provided protection for corrupt officials, made serious and sustainable anticorruption efforts difficult to enforce.

Although anticorruption institutions increasingly collaborated with civil society

groups, the effect of expanded cooperation was limited. Media and NGOs attempted to expose corruption independently, but their capacity was limited. Anticorruption, law enforcement, and judicial officials, as well as members of civil society and media, faced threats, intimidation, and abuse in their efforts to combat corrupt practices.

**Corruption:** The Permanent Committee to Investigate Corruption and Significant Crimes established by the prime minister in 2020 to investigate and prosecute major corruption cases continued its work during the year. Because it had the support of the government counterterrorism services unit, which could implement warrants and judicial orders, corrupt officials reportedly began to feel pressured.

In October Babil Province health director general Mohammed Hashem al-Jaafari, was sentenced to six months in prison on bribery charges. The case of the director general of the General Establishment for Iron and Steel, Abbas Hayal, who had been arrested at the same time, was still pending. In August the director general of the Iraqi Cement Company, Ali Saleh Mahdi, who had been arrested by the committee in April, was sentenced to six years in prison for misuse of public funds.

In July the COI released its semiannual report, stating it issued 54 subpoenas against 33 officials with ministerial rank, and 243 subpoenas against 177 officials with director general rank or equivalent. Four officials with ministerial rank, as well as 74 directors general, were referred for trial. The COI also announced the sentencing of a retired judge under the graft law, which was applied for the first time. The judge was unable to prove the source of assets registered in his wife's name worth 24 billion dinars (\$17 million).

The KRG maintained its own COI. According to the KRG COI's report, there were 277 corruption cases underway and 445 under criminal investigation, with 58 individuals convicted, and 54 awaiting a final trial decision. The convictions came from across the IKR, including Erbil (12), Duhok (41), and Sulaymaniyah (five).

Media reported that the head of the Garmian Appellate Court in the province of Sulaymaniyah on June 15 removed Judge Abdulamir Jum'a from the Garmian COI. NGOs and activists widely assessed this was due to his outspokenness on



prominent corruption cases and because he issued arrest warrants for influential officials. The judge retained his seat on the Garmian Preliminary Court, but activists and NGOs declared his dismissal was intended as a warning to deter other judges who sought to combat corruption and was a greenlight to corrupt officials that they could continue their activities with impunity.

The Central Bank leads the government's efforts to combat money laundering and terrorist financing. The bank's Anti-Money Laundering and Terrorist Financing Office (AMLCFTO) worked with law enforcement agencies and the judiciary to identify and prosecute illicit financial transactions. The latest report released by the office in 2019 showed it investigated 400 potential cases of money laundering during 2019, with 34 cases referred to the judiciary and 192 cases under review by the office's analysts. The AMLCFTO was not a member of the Egmont Group, the international organization responsible for coordinating secure information sharing with other countries, limiting the country's ability to exchange information on illicit finance matters, including corruption.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

Several domestic and international human rights groups operated, in most cases with little government restriction or interference, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. International NGOs reported that the government allowed their staff of certain nationalities to apply for visas on arrival after the government adopted a similar policy across visa categories. NGO staff then converted their visas to official work permits; however, international NGOs reported the process was time consuming and ad hoc.

Due to the ISIS-driven humanitarian crisis, many local NGOs focused on assisting refugees, IDPs, and other vulnerable communities. In some instances these NGOs worked in coordination with central government and KRG authorities. A few NGOs also investigated and published findings on human rights cases. There were some reports of government interference with NGOs investigating human rights

abuses and violations involving government actors.

There were multiple reports of international and local aid workers being harassed, threatened, arrested, and accused of false terrorism charges in some cases. As of September the International NGO Safety Organization recorded 15 incidents against NGOs from January to October, with no fatalities reported.

NGOs faced capacity-related problems, did not have regular access to government officials, and, as a result, were not able to provide significant protections against failures in governance and human rights abuses. Domestic NGOs' lack of sustainable sources of funding hindered the sector's long-term development. The government rarely awarded NGOs contracts for services. While the law forbids NGOs from engaging in political activity, political parties or sects originated, funded, or substantially influenced many domestic NGOs. The government's NGO Directorate announced November 24 that it would require any NGO to receive prior approval before conducting any surveys or questionnaires in the country. A group of local civil society organizations condemned the new directive and called it a "clear violation" of constitutional articles that enshrine the role of civil society and freedom of expression.

NGOs were prevented from operating in certain sectors (see section 6, Women). NGOs registered in Erbil could not operate outside the IKR and KRG-controlled disputed territories without additional permits from Baghdad (see section 2.b.). All NGOs, according to the law, were required to register with the NGO Directorate and in many cases provincial councils required additional local approval to allow NGOs to implement their activities. Additionally, NGOs registered with the federal government were not allowed to work in the IKR without registration and a permit from the NGO Directorate in the IKR.

The IKR had an active community of mostly Kurdish NGOs, many with close ties to and funding from political parties. Government funding of NGOs is legally contingent upon whether an NGO's programming goals conform to already identified KRG priority areas. The KRG NGO Directorate established formal procedures for awarding funds to NGOs, which included a public description of the annual budget for NGO funding, priority areas for consideration, deadlines for proposal submission, establishment of a grant committee, and the criteria for

ranking proposals; nonetheless, NGOs reported the KRG had not provided funding to local NGOs since 2013.

**The United Nations or Other International Bodies:** The government and the KRG sometimes restricted the access of UNAMI and other international organizations to sensitive locations, such as Ministry of Interior-run detention facilities holding detainees suspected of terrorism.

**Government Human Rights Bodies:** The IHCHR is constitutionally mandated. It has 12 full-time commissioners and three reserve commissioners with four-year, nonrenewable terms. The IHCHR was staffed by more than 650 employees, nearly half of whom previously worked for the Ministry of Human Rights, which was dissolved in 2015. The law provides for the IHCHR's financial and administrative independence and assigns it broad authority to receive and investigate complaints of human rights violations and abuses, initiate lawsuits related to violations of human rights and conduct visits to and assessments of detention centers and prisons. Some observers reported the commissioners' individual and partisan political agendas largely stalled the IHCHR's work. In July the COR appointed an ad hoc committee to manage the IHCHR's financial and administrative affairs. Before its October 7 dissolution in advance of the election, the COR failed to appoint new IHCHR commissioners after the existing commissioners' terms expired in July. As a result, the IHCHR's 650 operational staff went unpaid and carried out their duties on a voluntary basis for several weeks. On September 14, the COR announced it would appoint a COR staff member to administer the IHCHR's financial matters and pay the salaries of IHCHR staff. The government reinstated the commissioners on an interim basis on November 10 pending the formation of a new COR and the selection of new commissioners.

NGOs declared the COR's ad hoc committee undermined and violated the IHCHR's legal, administrative, political, and financial independence.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law criminalizes rape and sexual assault of

women, men, and children, but does not specifically mention spousal rape; it permits a sentence not exceeding 15 years, or life imprisonment if the victim dies. The rape provisions of the law do not define, clarify, or otherwise describe “consent,” leaving the term up to judicial interpretation. The law requires authorities to drop a rape case if the perpetrator marries the survivor, with a provision protecting against divorce within the first three years of marriage. The survivor’s family sometimes agreed to this arrangement to avoid the social stigma attached to rape. There were no reliable estimates of the incidence of rape or information on the effectiveness of government enforcement of the law.

During the COVID-19 pandemic, UNAMI reported a significant increase in the reports of rape, domestic violence, spousal abuse, immolation and self-immolation, self-inflicted injuries due to spousal abuse, sexual harassment of minors, and suicide due to increased household tensions because of COVID-19 lockdowns, as well as economic hardship due to the country’s declining economy. In February the Federal Police stated that domestic violence increased by nearly 20 percent because of the pandemic.

In the absence of legislation to combat domestic violence, each relevant central government ministry devised its own way to respond to domestic violence. Although the constitution prohibits “all forms of violence and abuse in the family,” the law does not specifically prohibit domestic violence. Men may discipline their wives and children “within certain limits prescribed by law or by custom” and reduced sentences for violence or killing are applicable if the perpetrator had “honorable motives” or if the perpetrator caught his wife or female relative in the act of adultery. Domestic violence remained a pervasive problem.

Harassment of legal personnel who sought to pursue domestic violence cases under laws criminalizing assault, as well as a lack of trained police and judicial personnel, further hampered efforts to prosecute perpetrators.

The central government and KRG also struggled to address the physical and mental trauma endured by women who lived under ISIS rule. The Yezidi Survivors’ Law, passed by the COR in March, mandates a new Survivors’ Affairs Directorate under the Ministry of Labor and Social Affairs to provide psychosocial support to victims of ISIS, including women and members of minority groups.

The Ministry of Interior maintained 16 family protection units under police authority, located in separate buildings at police stations around the country, designed to resolve domestic disputes and establish safe refuges for victims of sexual or gender-based violence. These units reportedly tended to prioritize family reconciliation over victim protection and lacked the capacity to support survivors. NGOs stated that survivors of domestic violence feared approaching the family protection units because they suspected that police would inform their families of their testimony. Some tribal leaders in the south reportedly banned their members from seeking redress through police family protection units, claiming domestic abuse was a family matter. The family protection units in most locations did not operate shelters.

KRG law criminalizes domestic violence, including physical and psychological abuse, threats of violence, and spousal rape. The KRG implemented the provisions of the law and maintained a special police force to investigate cases of gender-based violence and a family reconciliation committee within the judicial system, but local NGOs reported these programs were not effective at combating gender-based violence.

Throughout the year the KRG General Directorate for Combatting Violence against Women and Families provided workshops and seminars to its law-enforcement officers and awareness campaigns about the impact of domestic violence on individuals and society. There was also a 24/7 hotline that received reports of violence: an average of 11,000 calls annually. Furthermore, the directorate, in coordination with the UN Population Fund, developed a mobile phone app to facilitate access to the hotline, which provided access to live consultations with psychologists and psychiatrists.

Two privately operated shelters and four KRG Ministry of Labor and Social Affairs-operated shelters provided some protection and assistance for female survivors of gender-based violence and human trafficking. Space was limited, and NGOs reported psychological and therapeutic services were poor. NGOs played a key role in providing services, including legal aid, to survivors of domestic violence, who often received no assistance from the government. Instead of using legal remedies, authorities frequently mediated between women and their families so that the women could return to their homes. Other than marrying or returning to

their families, which often resulted in further victimization by the family or community, there were few options for women accommodated at shelters.

The Council of Ministers of the Kurdistan Region formed a judicial body after ISIS took control of the Sinjar Region and surrounding areas to investigate and document claims of ISIS crimes including with recorded testimonies of victims, survivors, claimants, and witnesses. Cases filed with the courts through November totaled 4,206, including 1,191 cases that pertained specifically to ISIS crimes committed against women during the period of ISIS's control over Sinjar district and other areas in the Mosul Province. Similarly, in Duhok Province an additional 2,036 cases of ISIS violence against women were filed with the courts; the cases were elevated to the level of the International Criminal Court.

The KRG also maintained a genocide center in Duhok for treatment, support, and rehabilitation for women who survived ISIS captivity, including investigating and documenting rape crimes; provides health and psychological services within camps; and ran a center through the KRG Directorate of Yezidi Affairs in the Ministry of Religious and Endowment Affairs for the rehabilitation of approximately 163 liberated women.

**Female Genital Mutilation/Cutting (FGM/C):** NGOs and the KRG reported the practice of FGM/C persisted in the IKR, particularly in rural areas of Erbil, Sulaymaniyah, and Kirkuk Provinces, despite a ban on the practice in IKR law. Rates of FGM/C, however, reportedly continued to decline. NGOs attributed the reduction in FGM/C to the criminalization of the practice and sustained public outreach activities by civil society groups. FGM/C was not common outside the IKR.

**Other Harmful Traditional Practices:** The law permitted "honor" as a lawful defense in violence against women, and so-called honor killings remained a serious problem throughout the country. A provision of the law limits a sentence for a murder conviction to a maximum of three years in prison if a man is on trial for killing his wife or a female dependent due to suspicion that the victim was committing adultery or engaged in sex outside of marriage. UNAMI reported that several hundred women died each year from honor killings. Some families reportedly arranged honor killings to appear as suicides.

The KRG Ministry of Interior's Directorate General of Combating Violence against Women confirmed 19 honor killing cases in the IKR as of September.

There were reports that women and girls were sexually exploited through so-called temporary, or pleasure, marriages, under which a man gives the family of the girl or woman dowry money in exchange for permission to "marry" her for a specified period. Young women, widowed or orphaned by ISIS offensives, were especially vulnerable to this type of exploitation. In similar cases NGOs reported some families opted to marry off their underage daughters in exchange for dowry money, believing the marriage was genuine, only to have the girl returned to them months later, sometimes pregnant.

Government officials and international and local NGOs also reported that the traditional practice of *nahwa*, where a cousin, uncle, or other male relative of any woman may forbid or terminate her marriage to someone outside the family, remained a problem, particularly in southern provinces. Grand Ayatollah Ali Sistani called for an end to *nahwas* and *fasliya* (where women are traded to settle tribal disputes), but these traditions continued, especially in areas where tribal influence outweighed that of government institutions.

**Sexual Harassment:** The law prohibits sexual harassment, including in the workplace. Penalties for sexual harassment include fines of up to only 30 dinars (approximately two cents), imprisonment, or both, not to exceed three months for a first-time offender. The law provides relief from penalties if unmarried participants marry. No information was available regarding the effectiveness of government enforcement, but penalties were very low. In most areas there were few or no government-provided women's shelters, information, support hotlines, and little or no sensitivity training for police. Refugees and IDPs reported regular sexual harassment, both in camps and cities.

Female political candidates suffered harassment online and on social media, including posting of fake, nude, or salacious photographs and videos meant to harm their campaigns and their reputations – often labeled as "staining their family's honor." The Iraqi Women's Network NGO cited several cases of women candidates being targeted because of their gender during the election campaign. Local human rights NGOs stated that the harassment was particularly targeted

against independent women candidates or those from new political parties that lacked recourse or political connections to government security services.

During the year NGOs reported security personnel asked female IDPs for sexual favors in exchange for provision of basic needs. This was especially prevalent among female IDPs previously living under ISIS control. In other cases criminal gangs exploited female IDPs and forced them into commercial sex.

The KRG's High Council of Women Affairs and Directorate General of Combating Violence Against Women (DCVAW) stated there was a spike in online harassment of girls and women. Per the DCVAW, 75 percent of gender-based violence cases resulted from social networking sites.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. Hospitals provided menstrual health services free to women.

Various methods of contraception were widely available, including in the IKR; however, women in urban areas generally had greater access than those in rural parts of the country. A married woman could not be prescribed or use contraception without the consent of her husband. Unmarried single women were unable to obtain birth control. Divorced or widowed women did not have this same restriction.

Due to general insecurity in the country and attendant economic difficulties, many women received inadequate medical care. The UN Office of the High Commissioner for Human Rights stated that in some provinces the work of reproductive health and pregnancy care units, as well as health-awareness campaigns, had ceased almost entirely because of COVID-19's impact on the health-care system.

In the IKR the KRG Ministry of Health reported that survivors of sexual violence received treatment from provincial health departments and emergency rooms. Judges, however, rarely considered forensic evidence that was collected. The government stated it provided full services for survivors of sexual violence and rape in all provinces because the law requires that survivors receive full health care and treatment. Emergency contraceptives were available as part of the clinical



management of rape through government services and in private clinics, although advocates who worked with survivors reported many barriers to women accessing those contraceptives, as well as significant gaps in service delivery.

**Discrimination:** Although the constitution provides for equality between men and women, the law does not provide women the same legal status and rights as men. Criminal, family, religious, personal status, labor, and inheritance laws discriminate against women. Women experienced discrimination in such areas as marriage, divorce, child custody, employment, pay, owning or managing businesses or property, education, the judicial process, and housing.

For example in a court of law, a woman's testimony is worth half that of a man in some cases and is equal in other cases. The law generally permits women to initiate divorce proceedings against their spouses but does not entitle a divorced woman to alimony other than child support or in some cases two years' financial maintenance; in other cases the woman must return all or part of her dowry or otherwise pay a sum of money to the husband. Under the law the father is the guardian of the children, but a divorced mother may be granted custody of her children until age 10, extendable by a court up to age 15, at which time the children may choose with which parent they wish to live.

All recognized religious groups have their own personal status courts responsible for handling marriage, divorce, and inheritance matters. Discrimination toward women on personal status matters varied depending on the religious group. The government's interpretation of sharia is the basis of inheritance law for all citizens except members of recognized religious minority groups. In all communities male heirs must provide financial support to female relatives who inherit less. If they do not, women have the right to sue.

The law provides women and men equal rights in owning or managing land or other property, but cultural and religious norms impeded women's property rights, especially in rural areas.

Law and custom generally do not respect freedom of movement for women. For example, the law prevents a woman from applying for a passport without the consent of her male guardian or a legal representative (see section 2.d.). Women

could not obtain the Civil Status Identification Document, required for access to public services, food assistance, health care, employment, education, and housing, without the consent of a male relative.

NGOs also reported cases in which courts changed the registration of Yezidi women to Muslim against their will because of their forced marriage to ISIS fighters.

The KRG provided some additional legal protections to women, maintaining a High Council of Women's Affairs and a Women's Rights Monitoring Board to enforce the law and prevent and respond to discrimination, but such protections were applied inconsistently. Other portions of KRG law continue to mirror federal law, and women face discrimination. KRG law allows women to set as a prenuptial condition the right to divorce her husband beyond the limited circumstances allowed by Iraqi law and provides a divorced wife up to five years' alimony beyond childcare.

## **Systemic Racial or Ethnic Violence and Discrimination**

The constitution holds that all citizens are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, color, religion, sect, belief, or opinion, or economic or social status. It prohibits any entity or program that adopts, incites, facilitates, glorifies, promotes, or justifies racism or ethnic cleansing. Nonetheless, restrictions on freedom of religion as well as violence against and harassment of minority groups committed by the ISF remained widespread outside the IKR, according to religious leaders and representatives of NGOs.

IKR law forbids "religious, or political, media speech individually or collectively, directly or indirectly that brings hate and violence, terror, exclusion, and marginalization based on national, ethnic, or religious or linguistic claims." According to a representative of the Yezidi NGO Yazda, KRG authorities continued to discriminate against minorities, including Turkomans, Arabs, Yezidis, Shabak, and Christians, in territories claimed by both the KRG and the central government in the northern part of the country.

## Children

**Birth Registration:** The constitution states that anyone born to at least one citizen parent is a citizen. Failure to register births resulted in the denial of public services such as education, food, and health care. Single women and widows often had problems registering their children, although in most cases authorities provided birth certificates after registration of the birth through the Ministries of Health and Interior; such registration was reportedly a lengthy and at times complicated process. The government was generally committed to children's rights and welfare, although it denied benefits to noncitizen children. Humanitarian organizations reported the widespread problem of children born to ISIS members or in ISIS-held territory failing to receive a government-issued birth certificate. As a result, an estimated 15,000 displaced children still lacked civil documentation, including birth certificates.

**Education:** Primary education is compulsory for citizen children for the first six years of schooling and until age 15 in the IKR; it is provided free to citizens. Equal access to education for girls remained a problem, particularly in rural and insecure areas.

Schools continued to be closed due to the COVID-19 pandemic through the end of the 2020-21 school year, keeping more than 10 million students out of school. UNICEF supported the Ministry of Education to broadcast lessons through education television and digital platforms. Children's access to alternative learning platforms via the internet and television, however, was hindered by limited connectivity and availability of digital devices, as well as lack of electricity. Moreover, the Ministry for Directorates of Education had not issued directives for guiding the delivery of distance learning.

**Child Abuse:** Although the constitution prohibits "all forms of violence and abuse in the family," the law does not specifically prohibit domestic violence but stipulates men may discipline their wives and children "within certain limits prescribed by law or by custom." The law provides protections for children who were victims of domestic violence or were in shelters, state houses, and orphanages, including access to health care and education. Violence against children reportedly remained a significant problem, but up-to-date, reliable

statistics on the extent of the problem were not available. Local NGOs reported the government made little progress in implementing its 2017 *National Child Protection Policy*.

UNICEF reported that during the year at least 1.8 million children, half of them girls, were estimated to need at least one type of protective service. In addition, 1.3 million children needed assistance to continue their education; 38 percent of all children lived in poverty. UNICEF and its implementing partners continued to deliver psychosocial support; case management and specialized protection services for children, including birth registration; civil documentation and legal assistance; and capacity development for national partners.

KRG law criminalizes domestic violence, including physical and psychological abuse and threats of violence. The KRG implemented the provisions of the law, but local NGOs reported these programs were not effective at combating child abuse. The KRG's Ministries of Labor and Social Affairs, Education, and Culture and Youth operated a toll-free hotline to report violations against, or seek advice regarding, children's rights. Multiple reports of child abuse surfaced during the year. Activists reported sexual abuse and assault by relatives was widespread and that some victims did not report crimes due to fear of retribution by family members.

**Child, Early, and Forced Marriage:** The legal minimum age of marriage is 18, but the law allows a judge to permit children as young as 15 to marry if fitness and physical capacity are established and the guardian does not present a reasonable objection. The law criminalizes forced marriage but does not automatically void forced marriages that have been consummated. The government reportedly made few efforts to enforce the law. Traditional early and forced marriages of girls, including temporary marriages, occurred throughout the country. UNICEF data from 2018 indicated that 7 percent of girls were married by age 15 and 28 percent by age 18. UNHCR reported the continued prevalence of early marriage due to conflict and economic instability, since many families arranged for girls to marry cousins or into polygamous households. Others gave their daughters as child brides to armed groups to ensure safety, access to public services in occupied territories, or livelihood opportunities for the entire family.

In the IKR the legal minimum age of marriage is 18, but KRG law allows a judge to permit a child as young as 16 to marry if the individual is entering into the marriage voluntarily and has received permission from a legal guardian. KRG law criminalizes forced marriage and suspends, but does not automatically void, forced marriages that have been consummated. According to the KRG High Council of Women's Affairs, refugees and IDPs in the IKR engaged in child marriage and polygamy at a higher rate than IKR residents. Some Kurdish men crossed over into federal Iraqi territory to acquire a child bride since the federal laws are not as strict.

**Sexual Exploitation of Children:** The law prohibits commercial sexual exploitation, sale, the offering or procuring of commercial sex, and practices related to child pornography. Child sex trafficking was a problem, as were temporary marriages, particularly among the IDP population. The minimum age of consensual sex is 18. Because the age of legal criminal responsibility is nine in the areas administered by the central government and 11 in the IKR, authorities often treated sexually exploited children as criminals instead of victims. No information was available regarding the effectiveness of government enforcement.

**Displaced Children:** Insecurity and active conflict between government forces and ISIS caused the continued displacement of large numbers of children (see section 2.d.). Abuses by government forces, particularly certain PMF groups, contributed to displacement. Due to the conflict in Syria, children and single mothers from Syria took refuge in the IKR. UNICEF reported that almost one-half of IDPs were children.

**International Child Abductions:** The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

The penal code stipulates that any person convicted of promoting Zionist principles, association with Zionist organizations, assisting such organizations

through material or moral support, or working in any way to realize Zionist objectives, be subject to punishment by death. According to the code, Jews are prohibited from joining the military and cannot hold jobs in the public sector. The KRG did not apply the central government's anti-Zionist laws and relied on IKR law number five, which provides protections for the rights of members of religious minority groups, including Jews. Following a controversial conference on normalization with Israel held in Erbil in September, one militia group referred to Israel as "the Satanic entity," and another threatened violence against the participants.

A very small number of Jewish citizens lived in Baghdad. Media organizations reported that only four Jewish citizens remained in the country outside the IKR following the death of a Jewish doctor, Dhafer Eliyahu, in March. According to unofficial statistics from the KRG Ministry of Endowments and Religious Affairs, there were as few as 100 to 250 Jewish families in the IKR. The Jewish community did not worship in public due to fears of retribution, discrimination, or violence by extremist actors. The KRG Ministry of Endowment and Religious Affairs dedicated one of its seven departments to Jewish affairs.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Organ Harvesting**

The government took steps to combat the illegal trade and trafficking in human organs. For example, in November Baghdad's anticrime directorate announced the arrest of a suspect who allegedly sold her child's kidney. Separately, the Wasit Province criminal court announced six-year prison sentences for two persons who trafficked human organs across the country.

## **Persons with Disabilities**

Persons with disabilities had limited access to education, employment, health services, information, communications, buildings, transportation, the judicial system, or other state services. The government did not provide information and

communication in accessible formats.

Although a 2016 Council of Ministers decree mandates access for persons with disabilities to buildings and to educational and work settings, incomplete implementation continued to limit access. In September individuals with disabilities told Human Rights Watch that access barriers forced them to rely on assistance to reach the polling places. When that assistance came from political party members who had permission to use vehicles, those members sometimes tried to influence how persons with disabilities voted. Human Rights Watch also reported that ballot boxes were often on floors that individuals with mobility problems could not access. Those who were unable to reach the ballot box without assistance or were unable to fill out their ballots alone were forced to rely on a family member or election commission staff to cast their ballot, raising concerns regarding privacy and the right to vote independently. As a result, the electoral commission made efforts to improve access for persons with disabilities to polling centers. Haider Jassim, an individual with a physical disability, told Human Rights Watch he asked IHEC staff for assistance when he was unable to reach the second floor of the polling station in his wheelchair and was told that the ballot box could not be moved to accommodate him. Jassim explained to Human Rights Watch that he cited the previous IHEC announcements promoting accessibility, but staff stated they were unaware. Jassim returned to the polling station later in the day and with the help of a relative was able to access the second floor and vote, but he told Human Rights Watch that he knew many persons who were not able to vote due to accessibility problems.

The COR committee on labor and social affairs estimated there were three million persons with disabilities and stated there was deliberate negligence on the part of the government in addressing their needs. Local NGOs reported that despite the government adoption of a long-term strategy for sustainable development to persons with disabilities, the implementation of the program objectives remained poor throughout the year. Persons with disabilities continued to face difficulties in accessing health, education, and employment services.

The Ministry of Labor leads the Independent Commission for the Care of People with Disabilities. Any citizen applying to receive disability-related government services must first receive a commission evaluation. The Ministry of Labor

operated several institutions for children and young adults with disabilities. The ministry provided loan programs for persons with disabilities for vocational training.

The constitution states the government, through law and regulations, provides for the social and health security of persons with disabilities, including through protection against discrimination and provision of housing and special programs of care and rehabilitation. Despite constitutional provisions, no laws prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities. There is a 5 percent public-sector employment quota for persons with disabilities, but employment discrimination persisted (see section 7.d.). Mental health support for prisoners with mental disabilities did not exist.

The Ministry of Health provided medical care, benefits, and rehabilitation, when available, for persons with disabilities, who could also receive benefits from other agencies, including the Prime Minister's Office.

The KRG deputy minister of labor and social affairs led a similar commission, administered by a special director within the ministry. KRG law prescribes greater protections for individuals with disabilities, including a requirement that 5 percent of persons with disabilities be employed in public-sector institutions and 3 percent with the private sector. The KRG provided a 100,000-dinar (\$69) monthly stipend to government employees with disabilities and a 150,000-dinar (\$102) stipend to those not employed by the KRG. A lack of funds led to less-than-full implementation of the law, including an inability to pay stipends to all persons with disabilities or register any new persons with disabilities for the stipend since 2013.

Disability rights advocates in the KRG reported that the IKR's disability protections lacked implementation, including the 5 percent employment requirement. Lack of accessibility remained a problem with more than 98 percent of public buildings, parks, and transportation lacking adequate facilities to assist the more than 110,000 registered persons with disabilities in the region. Disability advocates reported employment was low among members of the community, and many youths with mental and physical disabilities lacked access to educational opportunities.



Persons with disabilities in the IKR frequently held protests and sit-ins to call on the KRG to improve their financial and living conditions. Disability unions stated they were discriminated against in terms of employment and that the social security payments they received from the government were not enough, especially as many had medical expenses. Persons with disabilities in the IKR reported societal discrimination, bullying, and sexual harassment, including from teachers. The KRG ministry covering persons with disabilities reported it was unable to undertake public awareness campaigns to combat discrimination.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

The penal code criminalizes consensual same-sex conduct if those engaging in the conduct are younger than age 18, while it does not criminalize any same-sex activities among adults. Despite repeated threats and violence targeting lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals, specifically gay men, the government failed to identify, arrest, or prosecute attackers or to protect targeted individuals. Some political parties sought to justify these attacks, and investigators often refused to employ proper investigation procedures. LGBTQI+ individuals also faced intimidation, threats, violence, and discrimination, and LGBTQI+ individuals reported they could not live openly without fear of violence at the hands of family members, acquaintances, or strangers.

In June a transgender woman named Misho, also known as Shakib, disappeared in Sidakan while attempting to retrieve documents from her father to renew her passport. NGO contacts reported her father and brother killed Misho, but the KRG was still investigating the case and no arrest warrants had been issued as of December 22. Security forces launched an operation to arrest “suspected” LGBTQI+ individuals in the city of Sulaymaniyah. Operation supervisor Pshtiwan Bahadin told local media that security forces arrested those they suspected to be LGBTQI+ for immorality and used derogatory terms to describe the community. The KRG subsequently put out a statement denying that LGBTQI+ persons were targeted and stated security forces were breaking up commercial sex rings.

According to NGOs, persons in the country who experienced severe

discrimination, torture, physical injury, and the threat of death based on real or perceived sexual orientation, gender identity and expression, and sex characteristics had no recourse to challenge those actions via courts or government institutions. During the year the IKR NGO Rasan faced three lawsuits, including one brought by Sulaymaniyah officials of the KRG Directorate of NGOs, which alleged Rasan violated the terms of the NGO bylaws and its registration (to work on gender-based violence and women's matters) by providing services to and advocacy for LGBTQI+ individuals. A decision remained pending at year's end.

## **Other Societal Violence or Discrimination**

The country's population included Arabs, Kurds, Turkmen, and Shabak, as well as members of ethnic and religious minority groups, including Chaldeans, Assyrians, Armenians, Yezidis, Sabeen-Mandaeans, Baha'is, Kaka'is, and a very small number of Jews. The country also had a small Romani (Dom) community, as well as an estimated 1.5 to 2 million citizens of African descent who resided primarily in Basrah and adjoining provinces. Because religion, politics, and ethnicity were closely linked, it was difficult to categorize many incidents of discrimination as based solely on ethnic or religious identity.

The law does not permit some religious groups, including Baha'i, Zoroastrian, and Kaka'i, to register under their professed religions, which, although recognized in the IKR, remained unrecognized and illegal under federal Iraqi law. The law also forbids Muslims to convert to another religion. In the IKR this law was rarely enforced, and individuals were generally allowed to convert to other religious faiths without KRG interference (see sections 2.d. and section 6, Children).

Government forces, particularly certain PMF groups, and other militias targeted members of ethnic and religious minority groups, as did the remaining active ISIS fighters.

Discrimination continued to stoke ethno-sectarian tensions in the disputed territories throughout the year. Government forces, particularly certain PMF groups, targeted members of ethnic and religious minority groups, as did remaining active ISIS fighters. Some government forces, including PMF units, forcibly displaced individuals due to perceived ISIS affiliation or for ethno-sectarian

reasons. In January social media users created the hashtag “justice for Diyala,” reacting to a report published by a local NGO that highlighted human rights abuses by militias against Sunnis and other members of minority groups in disputed areas. The abuses included running outlaw detention facilities, blackmailing tradesmen, seizing properties owned by members of minority groups, and imposing royalties on local markets.

Many persons of African descent, some stateless, lived in extreme poverty with high rates of illiteracy and unemployment. They were not represented in politics, and members held no senior government positions. Furthermore, they stated that discrimination kept them from obtaining government employment. Members of the community also struggled to obtain restitution for lands seized from them during the Iran-Iraq war.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution states that citizens have the right to form and join unions and professional associations. The law, however, prohibits the formation of unions independent of the government-controlled General Federation of Iraqi Workers and in workplaces with fewer than 50 workers. The law does not prohibit antiunion discrimination or provide reinstatement for workers fired for union activity. The law allows workers to select representatives for collective bargaining, even if they are not members of a union, and affords workers the right to have more than one union in a workplace.

The law also considers individuals employed by state-owned enterprises (which made up approximately 10 percent of the workforce) as public-sector employees. CSOs continued to lobby for a trade union law to expand union rights.

Private-sector employees in worksites employing more than 50 workers may form workers committees, that is, subdivisions of unions with limited rights, but most private-sector businesses employed fewer than 50 workers.

Labor courts have the authority to consider labor law violations and disputes, but no information was available concerning enforcement, including whether

procedures were prompt or efficient or whether penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. Strikers and union leaders reported that government officials threatened and harassed them.

The law allows for collective bargaining and the right to strike in the private sector, although government authorities sometimes violated private-sector employees' collective bargaining rights. Some unions were able to play a supportive role in labor disputes and had the right to demand government arbitration.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, including slavery, indebtedness, and trafficking in persons, but the government did not effectively monitor or enforce the law. Penalties were not commensurate with those prescribed for analogous serious crimes such as kidnapping.

Employers subjected foreign migrant workers, particularly construction workers, security guards, cleaners, repair persons, and domestic workers, to conditions indicative of forced labor, such as confiscation of passports, cellphones, ATM cards, and other travel and identity documents; restrictions on movement and communications; physical abuse, sexual harassment, and rape; withholding of wages; and forced overtime. There were cases of employers stopping payment on contracts and preventing foreign employees from leaving the work site.

Employers subjected women to involuntary domestic service through forced marriages and the threat of divorce, and women who fled such marriages or whose husbands divorced them were vulnerable to social stigma and increased vulnerability to further forced labor. Female IDPs, single women, and widows were particularly vulnerable to economic exploitation and discriminatory employment conditions.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The constitution and law prohibit and criminalize all the worst forms of child labor. Penalties for violations were not commensurate with those for other analogous serious crimes, such as kidnapping. The government lacked programs that focused on assisting children involved in the worst forms of child labor, including forced begging and commercial sexual exploitation, sometimes because of human trafficking. The KRG Ministry of Labor and Social Affairs estimated several hundred children worked in the IKR, often as street vendors or beggars, making them particularly vulnerable to abuse. The ministry operated a 24-hour hotline for reporting labor abuses, including child labor, that received approximately 200 calls per month.

In areas under central government authority, the minimum age for employment is 15. The law limits working hours for persons younger than 18 to seven hours a day and prohibits employment in work detrimental to health, safety, or morals of anyone younger than 18. The labor code does not apply to juveniles (ages 15 to 18) who work in family-owned businesses producing goods exclusively for domestic use. Since children employed in family enterprises are exempt from some protections in the labor code regarding employment conditions, there were reports of children performing hazardous work in family-owned businesses.

The law mandates employers bear the cost of annual medical checks for working juveniles. Children between the ages of 12 and 15 are not required to attend school, but they are not permitted to work. Penalties include imprisonment for a period of 30 days to six months and a fine) to be doubled in the case of a repeated offense. Data on child labor was limited, particularly regarding the worst forms of child labor, which further limited enforcement of existing legal protections. The Ministry of Labor and Social Affairs is charged with enforcing the law prohibiting child labor in the private and public sectors, and labor law enforcement agencies took actions to combat child labor. Gaps existed within the authority and operations of the ministry that hindered labor law enforcement, including an insufficient number of labor inspectors, authority to assess penalties, and labor inspector training. Inspections continued, and resumed in areas liberated from ISIS, but due to the large number of IDPs, as well as capacity constraints and the focus on maintaining security and fighting terrorism, law enforcement officials and

labor inspectors' efforts to monitor these practices were ineffective. In the IKR education is mandatory until age 15, which is also the minimum age for legal employment.

According to the KRG Independent Commission of Human Rights, an influx of refugees and IDPs, lack of social awareness, economic crisis, and rising unemployment rates caused a rise in child labor in the IKR.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

#### **d. Discrimination with Respect to Employment and Occupation**

The constitution provides that all citizens are equal before the law without discrimination based on gender, race, ethnicity, origin, color, religion, creed, belief or opinion, or economic and social status. The law prohibits discrimination based on gender, race, religion, social origin, political opinion, language, disability, or social status. It also prohibits any forms of sexual harassment in the workplace. The government did not effectively enforce the law. Penalties were commensurate with laws related to civil rights, such as election interference. The labor law limits women from working during certain hours of the day and does not allow them to work in jobs deemed hazardous or arduous. Women must obtain permission from a male relative or guardian before being granted a Civil Status Identification Card for access to employment. Despite constitutional guarantees, no laws prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities, and they had limited access to employment. Local NGOs reported that despite the government adoption of a long-term strategy for sustainable development for persons with disabilities, the implementation of the program objectives remained poor throughout the year.

The law does not prohibit discrimination based on age, sexual orientation or gender identity, HIV-positive status, or other communicable diseases. The law allows employers to terminate workers' contracts when they reach retirement age, which is lower by five years for women. The law gives migrant Arab workers the same status as citizens but does not provide the same rights for non-Arab migrant workers, who faced stricter residency and work visa requirements.

Refugees and asylum seekers are legally entitled to work in the private sector. The central government does not recognize the refugee status of Palestinians, but the KRG does. Palestinians are allowed to work in the private sector but are required to renew their status annually. Syrian refugees were able to obtain and renew residency and work permits both in refugee camps and in the IKR, although not in the rest of the country. Authorities arrested refugees with IKR residence permits who sought work outside the region and returned them to the IKR.

Many persons of African descent lived in extreme poverty and nearly 80 percent were illiterate; more than 80 percent were reportedly unemployed. According to some sources, they constituted 15 to 20 percent of the Basrah Region's 2.5 million inhabitants. They were not represented in politics, held no senior government positions, and reported that discrimination kept them from obtaining government employment. During the year there were many reports regarding migrant workers from African countries being subjected to extreme violence, forced to work as prostitutes, and subjected to sexual exploitation and abuse.

Stateless persons faced discrimination in employment and access to education. Many stateless persons were not able to register for identity cards, which prevented them from enrolling in public school, registering marriages, and gaining access to some government services. Stateless individuals also faced difficulty obtaining public-sector employment and lacked job security.

Discrimination in employment and occupation occurred with respect to women, foreign workers, and members of minority groups (see section 6). In May the COR Committee on Labor and Social Affairs reported 1.5 million foreign workers, mostly working in oil fields and state-owned companies, had led to an increase in the unemployment rate; as of May, seven million individuals were unemployed.

There were more than 15 unions, associations, and syndicates in the IKR. All heads of unions and syndicates were men, but board members included women. Each union had a separate women's committee for women workers' affairs. The committee was reportedly supported by local NGOs to support gender equality and advance women's union leadership in the IKR.

## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The national minimum wage, set by federal labor law, was above the poverty line. The law limits the standard workday to eight hours, with one or more rest periods totaling 30 minutes to one hour, and the standard workweek to 48 hours. The law permits up to four hours of overtime work per day and requires premium pay for overtime work. For industrial work overtime should not exceed one hour per day. The Ministry of Labor has jurisdiction regarding matters concerning wages, occupational safety and health, and labor relations. The government did not effectively enforce regulations governing wages or working conditions. Penalties for violations were not commensurate with those for similar crimes, such as fraud.

**Occupational Safety and Health:** The government sets occupational safety and health (OSH) standards that are appropriate for the main industries. The ministry's OSH staff worked throughout the country. The law states that for hazardous or exhausting work, employers should reduce daily working hours. The law provides workers the right to remove themselves from a situation endangering health and safety without prejudice to their employment but does not extend this right to civil servants or migrant workers, who together made up the majority of the country's workforce. It is unclear whether responsibility for identifying unsafe situations remains with OSH experts and not the workers. Penalties for OSH violations were not commensurate with those for crimes such as negligence.

The legal and regulatory framework, combined with the country's high level of violence and insecurity, high unemployment, large informal sector, and lack of meaningful work standards, resulted in substandard conditions for many workers. Workplace injuries occurred frequently, especially among manual laborers; however, no data was available on the specific number of industrial accidents that resulted in death or serious injury.

In February the civil defense directorate reported the death of three sewage workers who accidentally inhaled methane gas during cleaning of water drainage holes. The directorate attributed the incident to a lack of adherence to OSH guidelines.



**Informal Sector:** A lack of oversight and monitoring of employment contracts left foreign and migrant workers vulnerable to exploitative working conditions and abusive treatment. Local NGOs reported that thousands of migrant workers faced poor work conditions during the COVID-19 pandemic, including illegal layoffs, homelessness, unpaid wages, and sexual exploitation. In August the COR Labor, Social Affairs, Immigration and Displacement Committee blamed “illegal” foreign workers for high unemployment.